

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARINA DRIZA, R.N.,  
RESPONDENT.

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:  
:

INTERIM ORDER

**ORDER 0008620**

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Division of Legal Services and Compliance Case No. 22 NUR 831

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Marina Driza, R.N.  
Mundelein, IL 60060

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties agree to the terms and conditions of the attached Stipulation as an Interim Order in this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Marina Driza, R.N., (Year of Birth 1971) is licensed in the state of Wisconsin as a registered nurse, having license number 131416-30, first issued on January 26, 1999, and current through February 29, 2024.<sup>1</sup> Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Mundelein, Illinois 60060.

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<sup>1</sup> Respondent is also licensed in the state of Illinois as a registered nurse, having license number 041.322984, first issued on December 18, 2000, and current through May 31, 2024.

2. On June 20, 2023, the Department filed a formal complaint against Respondent with the Division of Hearings and Appeals (DHA) in this matter. The complaint is attached to this Interim Order and the allegations therein are incorporated into this Interim Order by reference.

3. On July 10, 2023, Respondent filed an answer to the complaint denying the allegations made against her. Respondent's answer is also attached to this Interim Order and incorporated into this Interim Order by reference.

4. The DHA case (Case No. SPS-23-0038) remains pending.

5. The Board has not made a final determination as to the validity of any of the allegations against the Respondent.

6. Respondent's consent to the entry of this Interim Order does not constitute an admission of guilt to any of the allegations or of any act of professional misconduct.

7. Respondent has voluntarily agreed not to engage in the practice of nursing in the state of Wisconsin pending the final resolution of this disciplinary matter, and therefore consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The Stipulation of the parties is accepted.

2. Respondent's license to practice as a registered nurse in the state of Wisconsin (license no. 131416-30) is SUSPENDED during the pendency of this disciplinary matter.

3. The suspension shall remain in effect until the Board issues a Final Decision and Order in this disciplinary matter.

4. Violation of this Interim Order shall be considered a violation of a Board order and may subject Respondent to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03(1)(g).

5. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By: Aloysius Rohmeyer DSPS Chief Legal Counsel, 7/14/2023  
A Member of the Board Delegatee Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : COMPLAINT  
MARINA DRIZA, R.N., :  
RESPONDENT. :

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Division of Legal Services and Compliance Case No. 22 NUR 831

Julie Zimmer, an attorney for the State of Wisconsin, Department of Safety and Professional Services, Division of Legal Services and Compliance (Department), Post Office Box 7190, Madison, Wisconsin 53707-7190, upon information and belief, alleges that:

1. Respondent Marina Driza, R.N., is licensed in the state of Wisconsin as a registered nurse, having license number 131416-30, first issued on January 26, 1999, and current through February 29, 2024.

2. Respondent is also licensed in the state of Illinois as a registered nurse, having license number RN 041322984, first issued on December 18, 2000, and current through May 31, 2024.

3. Respondent's most recent address on file with the Department is [REDACTED], Mundelein, Illinois 60060.

4. In October and November 2022, Respondent was employed as a registered nurse at Ascension All Saints Hospital in Mount Pleasant, Wisconsin (Facility A).

5. On October 31, 2022, Facility A staff discovered missing vials of Fentanyl 100 mcg/2ml.

6. Facility A initiated an investigation which discovered that Respondent had dispensed the vials using the "cancelled override" transaction in Pyxis. This transaction occurs when a nurse hits "cancel" while attempting to dispense a medication but still has temporary access to the medication in the secure pocket.

7. Between October 23 and November 1, 2022, Respondent had 23 cancellation overrides for Fentanyl vials.

8. Facility A staff reviewed several other vials of Fentanyl and found the contents were cloudy with white crystals around the cap. Twelve vials were destocked and sent to the pharmacy for investigation. The pharmacy's refractometer showed the contents of the vials were not Fentanyl but rather a substance similar to sodium chloride.

9. Facility A's investigation also discovered that Respondent had been previously employed at a related facility, St. Mary of Nazareth Hospital in Chicago, Illinois (Facility B). Similar medication discrepancies on Respondent's part had been noted at Facility B, including:

- (a) On July 23, 2022, Respondent dispensed two Dilaudid 1mg/1mL syringes. She charted administration of 0.5mg and the remaining Dilaudid was unaccounted for.
- (b) On August 1, 2022, Respondent dispensed one Dilaudid 1mg/1mL syringe. She charted administration of 0.8mg and the remaining Dilaudid was unaccounted for.
- (c) On August 14, 2022, Respondent dispensed one Dilaudid 0.5mg/0.5mL syringe and did not chart any administration or waste.

10. Facility A suspended Respondent pending the outcome of its investigation. On November 4, 2022, Respondent resigned her employment.

11. On December 5, 2022, Facility A reported Respondent's suspected theft of controlled substances to the Wisconsin Pharmacy Examining Board, which referred the complaint to the Board of Nursing (Board).

12. On December 13, 2022, the Department, on behalf of the Board, emailed Respondent at her most recent email address on file, [REDACTED], to request her response to the complaint. Respondent did not respond.

13. On December 21, 2022, the Department emailed Respondent again at her most recent email address on file to request her response to the complaint. Respondent did not respond.

14. On January 3, 2023, the Department sent Respondent a letter via U.S. Mail at her most recent address on file with the Department to request her response to the complaint. Respondent did not respond.

15. On January 18, 2023, this case was opened to investigate the allegations.

16. On January 27, 2023, Respondent emailed her untimely response to the complaint to the Department.

17. In the course of its investigation, the Department discovered that on September 27, 2021, Respondent's nurse staffing agency filed a complaint with the Illinois Department of Financial and Professional Regulation (IDFPR) indicating that Respondent was arrested for theft and possession of controlled substances, a felony in violation of Illinois Compiled Stats. § 720 ILCS 570.0/402-C, while on duty at University of Chicago Medicine Ingalls Memorial Hospital in Harvey, Illinois (Facility C).<sup>1</sup>

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<sup>1</sup>On February 22, 2023, the IDFPR filed a formal complaint against Respondent for unprofessional conduct in Case No. 2021-08052. That case remains pending.

18. On the evening of August 24, 2021, Facility C staff discovered a used syringe in an employee bathroom immediately after Respondent exited.

19. Facility C staff also discovered that a patient's Fentanyl IV bag had been tampered with by placing a piece of tape over a puncture after Respondent had been in the patient's room.

20. Facility C reviewed Respondent's Pyxis data, which showed she had dispensed Fentanyl for two patients who did not have Fentanyl prescriptions.

21. In the early morning hours of August 25, 2021, Facility C's security officer searched Respondent's person and bags and discovered the following items:

- (a) An unused 2mL bottle of Fentanyl citrate in Respondent's waistband
- (b) Five unused sodium chloride 10mL syringes
- (c) An empty 20mL syringe
- (d) An unused IV catheter
- (e) An unused hypodermic safety needle
- (f) Two empty 2mL Fentanyl citrate bottles

22. Police officers also discovered Respondent had a blue rubber band around her right calf, an IV catheter in her right ankle, a Heplock IV start in her right foot, a syringe needle in her left foot, and a urine specimen collector in her underwear.

23. On November 16, 2021, Respondent was indicted in Cook County, Illinois, Case No. 2021-CR-1433901 on criminal charges related to the events at Facility C. That case remains pending.

24. On January 28, 2022, Respondent completed and submitted her Wisconsin license renewal application. On that application, Respondent answered "No" to the question "Since your last renewal or initial licensure, do you have any pending charges, prior convictions, and/or have you violated any federal or state laws, or any local ordinances?" Respondent's license was renewed based on her attestation.

25. Based on the facts stated above, Respondent failed to cooperate in a timely manner with the Board's investigation of a complaint filed against a license holder, after a request by the Board, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(1)(c).

26. Based on the facts stated above, Respondent violated or aided and abetted a violation of any law substantially related to the practice of nursing, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(2).

27. Based on the facts stated above, Respondent engaged in fraud, deceit, or material omission in obtaining a license or certification or in the renewal of the license or certification, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(5)(e).

28. Based on the facts stated above, Respondent departed from or failed to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(6)(c).

29. Based on the facts stated above, Respondent was unable to practice safely by reason of alcohol or other substance use, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(6)(f).

30. Based on the facts stated above, Respondent dispensed any drug other than in the course of legitimate practice or as otherwise prohibited by law, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(8)(b).

31. Based on the facts stated above, Respondent obtained, possessed or attempted to obtain or possess a drug without lawful authority, which is grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(8)(e).

32. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c) and (d), and Wis. Admin. Code § N 7.03.

The Department requests that the Board hear evidence relevant to the matters alleged in this complaint, determine and impose the discipline warranted, and assess the costs against Respondent Marina Driza, R.N.

Dated 20<sup>th</sup> of June, 2023.



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Julie Zimmer, Prosecuting Attorney  
State Bar Number 1037571  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190  
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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: DLSC Case No. 22 NUR 831  
MARINA DRIZA, R.N., :  
Respondent. :

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**ANSWER**

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Respondent Marina Driza, R.N., by and through her undersigned attorneys, answers the complaint as follows:

1. Admits the allegations set forth in paragraph 1.
2. Admits the allegations set forth in paragraph 2.
3. Admits the allegations set forth in paragraph 3.
4. Admits the allegations set forth in paragraph 4.
5. Answering paragraph 5 of the complaint, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation that Facility A (“Ascension”) “discovered” missing vials of Fentanyl 100 mcg/2ml on October 31, 2022; and denies any remaining allegations in paragraph 5.
6. Answering paragraph 6 of the complaint, Respondent admits Ascension made allegations to this effect about Respondent on November 1, 2022; denies Ascension conducted “an investigation” or “discovered” Respondent dispensed vials; and denies she stole Fentanyl from Ascension.
7. The allegation in paragraph 7 is immaterial to the resolution of this matter and therefore requires no response. Subject to this objection, Respondent lacks information sufficient to form a belief as to the truth or falsity as to the number of times “cancellation overrides” were purportedly entered by her for Fentanyl vials; denies she “had” the number indicated; and affirmatively alleges that if Ascension’s Pyxis records indicate “Respondent had 23 cancellation overrides for Fentanyl vials” then Respondent could not have stolen the number of Fentanyl 100 MCG/2 ML vials that Ascension claimed were stolen by Respondent after its “thorough investigation.”



8. Answering paragraph 8, Respondent lacks information necessary to form a belief as to the truth or falsity of the allegations set forth in paragraph 8, and therefore denies the same.

9. Answering the first sentence of paragraph 9, Respondent admits that before working at Ascension Facility A, she worked at Ascension Facility B. Answering the second sentence in paragraph 9, on information and belief, Respondent admits Ascension likely scrutinized Respondent's "charting" at Facility A and Facility B to support further allegations about her. Respondent denies that Ascension ever raised issues with her failure to chart the administration or waste of medication correctly during her time at Facility B. Respondent lacks information sufficient to form a belief as to the truth or falsity as to whether her charting or other records indicate she dispensed Dilaudid in the amounts in question on any of the three dates identified in paragraph 9 of the complaint or failed to chart administration or waste of the same correctly on these three occasions, and therefore denies these allegations. Respondent denies any other allegations, implicit or otherwise, in paragraph 9.

10. The allegation in paragraph 10 is immaterial to the resolution of this matter and therefore requires no response. Subject to this objection, Respondent admits she was suspended by Ascension after it made allegations about her at Facility A; and admits she decided to terminate her employment with Ascension shortly thereafter. Respondent denies any other allegation made in paragraph 10.

11. The allegation in paragraph 11 is immaterial to the resolution of this matter and therefore requires no response. Subject to this objection, Respondent admits Ascension's leadership team filled out and sent a form to notify the Wisconsin Pharmacy Examining Board reflecting allegations being made about Respondent at Facility A; denies this occurred any later than November 15, 2022; admits the Pharmacy Examining Board referred the allegations to the Department shortly thereafter; states she is without knowledge or information sufficient to form a belief as to when the Board of Nursing received the allegations; and denies any other allegation in paragraph 11.

12. Answering paragraph 12, Respondent admits the Department e-mailed her on December 13, 2022, to request a response to the complaint; denies Respondent did not respond to the request.

13. Answering paragraph 13, Respondent admits the Department e-mailed her again on December 21, 2022, to request a response to the complaint; denies Respondent did not respond to the request.

14. Answering paragraph 14, Respondent lacks information sufficient to form a belief as to whether the Department sent Respondent a written request indicating it was seeking a response to the complaint on January 3, 2022. Respondent admits that she received such a request in mid-January, at which point she searched checked for and found the e-mails sent by the Department's investigator in her e-mail 'spam' folder and provided a response to the request via e-mail on January 26, 2023. Respondent affirmatively alleges the Department acknowledged receipt of her response and has made no further request for information from her with respect to these matters.

15. Answering paragraph 15, Respondent denies this case “was opened” to investigate the allegations any later than December 13, 2022, which is when she received contact from an investigator of the Department in this matter—and therefore denies the case “was opened” to investigate the allegations on January 18, 2023.

16. Answering paragraph 16, Respondent admits in part. Respondent admits she responded to the Department’s request for a response to the complaint in this matter on January 26, 2022—which denied the allegations and explained why she had not responded earlier. Respondent denies any other allegation, implicit or otherwise, that she has ever failed to cooperate with any request for information received from the Department in connection with this matter.

17. The allegation in paragraph 17 is immaterial to the resolution of this matter and therefore requires no response. Subject to this objection, Respondent is without knowledge or information sufficient to form a belief as to the truth of what information the Department has received in the course of its investigation of Respondent, and therefore denies the allegations set forth in paragraph 17. Respondent admits the statement in footnote 1 of paragraph 17 that the Illinois Department of Financial and Professional Regulation filed a formal complaint against Respondent for unprofessional conduct in Case No. 2021-08052 on February 22, 2023, that she has answered the complaint, and that the case is pending.

18. Answering paragraph 18, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 18, and therefore denies the same.

19. On information and belief, Respondent denies in light of the fact this information has never been produced despite requests for the same.

20. On information and belief, Respondent denies in light of the fact this information has never been produced despite requests for the same.

21. Answering paragraph 21, Respondent admits that while she treating a patient in the ordinary course at Facility C on or about August 25, 2021, she was confronted and searched by a security officer at Facility C, who searched her person and bags; denies the remaining allegations insofar as she lacks information sufficient to form a belief as to the truth or falsity regarding the extent to which used and unused items were purportedly found on her person and/or in her bags at the time of the search, and therefore denies the remaining allegations set forth in paragraph 21.

22. The allegations in paragraph 22 are immaterial to the resolution of this matter and therefore require no response. Subject to this objection, Respondent admits in part: Respondent admits police officers had employees of Facility C strip search her and that this revealed items she used to self-administer infusions of vitamin C during work. Respondent denies she possessed a urine specimen collector in her underwear at the time of the search and any remaining allegations set forth in paragraph 22.

23. Answering paragraph 23, Respondent admits.

24. Answering paragraph 24, Respondent admits she answered “No” to the question identified in her renewal application and that this was in error.

25. Answering paragraph 25, Respondent denies, and affirmatively alleges the complaint fails to allege facts sufficient to state a violation of Wis. Admin. Code § N 7.03(1)(c).

26. Answering paragraph 26, Respondent denies.

27. Answering paragraph 27, Respondent denies her submission of a renewal application answering “No” to the question identified in the complaint was intentionally deceitful, and that answering “Yes” to this question would provide a basis in fact or law for denying renewal or taking action against her existing license.

28. Answering paragraph 28, Respondent denies, and affirmatively alleges the complaint fails to allege facts sufficient to establish she “departed from or failed to conform to . . . standards of acceptable nursing practice that may create unnecessary risk or danger to a patient’s life, health, or safety” as grounds for discipline under Wis. Admin. Code § N 7.03(6)(c).

29. Answering paragraph 29, Respondent denies, and affirmatively alleges the complaint fails to allege facts sufficient to establish she was or is “unable to practice safely by reason of alcohol or other substance use” as grounds for taking disciplinary action on her license pursuant to Wis. Admin. Code § N 7.03(6)(f).

30. Answering paragraph 30, Respondent denies.

31. Answering paragraph 31, Respondent denies.

32. Answering paragraph 32, Respondent denies.

WHEREFORE, Respondent Marina Driza, R.N., respectfully requests the dismissal of the complaint and such other relief permitted by law.

**(signed and dated on the following page)**

Dated this 10th day of July, 2023.

Halling & Cayo, S.C.

A handwritten signature in black ink, appearing to read 'T. Levenson', with a large loop at the beginning and a long horizontal stroke extending to the right.

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Trevor Levenson  
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Attorneys for Respondent  
Marina Driza, R.N.

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARINA DRIZA, R.N.,  
RESPONDENT.

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STIPULATION  
FOR INTERIM ORDER

**ORDER 0008620**

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Division of Legal Services and Compliance Case No. 22 NUR 831

Respondent Marina Driza, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into in the course of a pending investigation by the Division of Legal Services and Compliance (Division).

2. Respondent is aware of her right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Trevor Levenson.

3. Respondent neither admits nor denies the allegations in this matter but agrees to the adoption of the attached Interim Order by the Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Interim Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Interim Order, if adopted in the form as attached.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division for further proceedings. In the event this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of the Interim Order.

5. The parties to this Stipulation agree that the attorney or other agent for the Division and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, if any, for purposes of speaking in support of this Interim Order and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Interim Order.

6. Respondent is informed that should the Board adopt this Stipulation, the Board's Interim Order is a public record and will be published in accordance with standard Department procedure.

7. Respondent is further informed that should the Board adopt this Stipulation, the Board's Interim Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

8. The Division joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Interim Order.



Marina Driza, R.N., Respondent  
Mundelein, IL 60060  
License No. 131416-30

7/12/2023

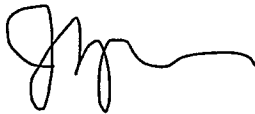
Date



Trevor Leverson, Attorney for Respondent  
Halling & Cayo, S.C.  
320 E. Buffalo St., Suite 700  
Milwaukee, WI 53202

7/12/2023

Date



Julie Zimmer, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

7/12/2023

Date