

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIN K. KUSCH, R.N.
RESPONDENT.

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FINAL DECISION AND ORDER
ORDER 0008625

Division of Legal Services and Compliance Case No. 21 NUR 480

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

Erin K. Kusch, R.N.
Elm Grove, WI 53122

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 in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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. Erin K. Kusch, R.N. (Respondent), (Year of Birth 1995) is licensed in the state of Wisconsin as a registered nurse, having license number 252261-30, first issued on January 31, 2020 with renewal due on February 28, 2022.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Elm Grove, Wisconsin 53122.

¹ Per 2020 Emergency Order #2, signed by Gov. Tony Evers on October 1, 2020, Respondent's license remains active until 30 days after the end of the COVID-related federally declared public health emergency. The federal health emergency is currently scheduled to end on May 11, 2023.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a school located in Brookfield, Wisconsin (School).

3. On July 21, 2021, a parent was seeking assistance for his child's blood sugar levels but was unable to reach Respondent. The parent reported the urgent matter to the School's office.

4. The School Coordinator discovered Respondent curled up under a desk in the health room.

5. After being removed from under the desk, Respondent had an unsteady gait and constricted pupils, was slurring her speech, confused, disoriented, and exhibited emotional outbursts. Respondent refused to submit to a drug screen.

6. Respondent's employment at the School was terminated.

7. Respondent admitted to having an alcohol problem and has sought care.

8. Respondent has not worked as a nurse since this incident and opted to surrender her nursing license.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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).

2. Pursuant to Wis. Stat. § 440.19, the Board may accept the voluntary surrender of a credential in lieu of discipline which would otherwise be ordered.

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent of her license to practice as a registered nurse in the state of Wisconsin (license no. 252261-30), as well as her right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$488.00 before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as a registered nurse, the Board may enter an order denying such application without notice or hearing. Whether to grant

a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board.

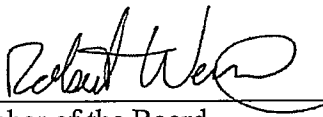
4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By:  Date 7/13/2023
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIN K. KUSCH, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008625

Division of Legal Services and Compliance Case No. 21 NUR 480

Erin K. Kusch, R.N. (Respondent) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Kristen Nelson.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

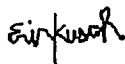
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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

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

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and 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.

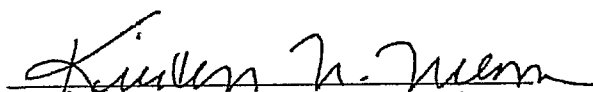
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



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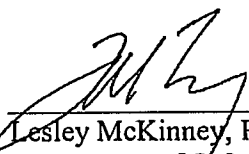
Erin K. Kusch, R.N., Respondent
Elm Grove, WI 53122
License No. 252261-30

Date



Kristen Nelson, Attorney for Respondent
Gimbel Rcilly Guerin Brown LLP
330 E Kilbourn Ave Ste 1170
Milwaukee, WI 53202

6 / 12 / 23
Date



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

6/12/2023
Date