

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
ASZANI S. KUNKLER, R.N. : FINAL DECISION & ORDER
: FOR REMEDIAL EDUCATION
: LS# 0412094NUR

Division of Enforcement Case #02 NUR 281

The parties to this proceeding for purposes of Wis. Stat. § 227.53 are:

Aszani S. Kunkler, R.N.
6827 Phil Lewis Way
Middleton, WI 53562

Wisconsin Board of Nursing
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

Accordingly, the Board in this mater adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Aszani S. Kunkler, R.N., (D.O.B. 12/29/1958) is duly licensed as a registered nurse in the state of Wisconsin (license #30-117907). This license was first granted on September 2, 1994. Respondent obtained Wisconsin licensure as a nurse midwife on June 21, 2001 (license #137182) and obtained Wisconsin certification as an advanced practice nurse prescriber (certificate #2202) on February 4, 2003.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 6827 Phil Lewis Way, Middleton, WI 53562.

3. On exact dates unknown, but beginning on or about July 1, 2002 and continuing through September 7, 2002, Respondent worked as a substitute nurse midwife with Community Nurse Midwives, 2409 White Oak Terrace, Oregon, Wisconsin.

4. On or about September 7, 2002, Respondent performed a post partum home visit to assess infant A. During the course of this visit, Respondent attempted to weigh the infant using a sling scale. During the weighing procedure one of the rings of the sling slid off the scale and the baby was dropped to the floor.

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

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stat. § 441.07.

2. The Wisconsin Board of Nursing has authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to Wis. Stat. § 227.44(5).

REMEDIAL ORDER FOR EDUCATION

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Aszani S. Kunkler, R.N., shall, within six (6) months from the date of this Final Decision and Order, submit acceptable documentation of successful completion of at least six (6) hours of continuing education pre-approved by the Board or of other training pre-approved by the Board in the areas of nursing ethics and legal responsibilities and at least six (6) hours of continuing education pre-approved by the Board or other training pre-approved by the Board in the areas of care and assessment of the newborn. Acceptable documentation of completion of continuing education shall include: certification from the sponsoring organization as well as a statement signed by respondent verifying her attendance at the course and completion of course requirements.

2. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving reports and coordinating all requests for approval of education or other petitions. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

3. Aszani S. Kunkler, R.N. will be responsible for paying the full cost of attendance at these courses.

IT IS FURTHER ORDERED that:

4. Aszani S. Kunkler, R.N. shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of five hundred dollars (\$500.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

5. In the event Aszani S. Kunkler, R.N. fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (#30-117907) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Respondent is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

6. Aszani S. Kunkler, R.N. is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

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

BOARD OF NURSING

By: Jacqueline Johnson RN MS
A Member of the Board

12/09/04
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF
ASZANI S. KUNKLER, R.N.

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STIPULATION
LS# 0412094NUR

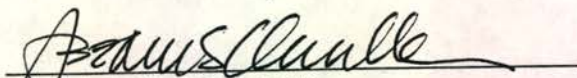
Division of Enforcement Case # 02 NUR 281

It is hereby stipulated between Aszani S. Kunkler, R.N., personally, and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

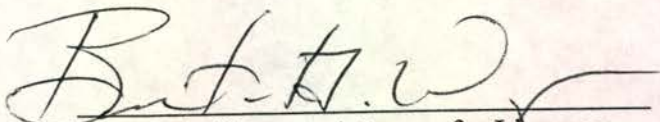
1. This Stipulation is entered into as a result of an informal complaint against Aszani S. Kunkler, R.N., received by the Division of Enforcement (case #02 NUR 281). Aszani S. Kunkler, R.N. consents to the resolution of this investigation by stipulation and without issuance of a formal complaint.
2. Aszani S. Kunkler, R.N. understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her, the right to call witnesses on her behalf and to compel their attendance by subpoena, the right to testify herself, 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, the right to judicial review, and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Aszani S. Kunkler, R.N. has obtained legal advice prior to signing this Stipulation.
4. Aszani S. Kunkler, R.N. agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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 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 be returned to the Division of Enforcement for further proceedings. In the event that 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Aszani S. Kunkler, R.N. or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation.

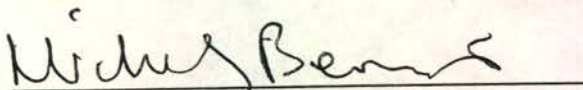
7. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Aszani S. Kunkler, R.N.

11-18-04
Date


Burton A. Wagner, Attorney for Licensee

11/18/04
Date


Michael J. Berndt, Attorney Supervisor
Department of Regulation & Licensing
Division of Enforcement

11/22/04
Date