

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DEBRA A. MUTH, R.N., A.P.N.P., :
RESPONDENT. :

ORDER 0008849

Division of Legal Services and Compliance Case No. 21 NUR 526

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

Debra A. Muth, R.N., A.P.N.P.
Waukesha, WI 53186

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. Respondent Debra A. Muth, R.N., A.P.N.P., (Year of Birth 1966) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 123803-30, first issued on July 29, 1996, and current through February 29, 2024. Respondent is also certified in the state of Wisconsin as an advanced practice nurse prescriber, having certificate number 1167-33, first issued on June 9, 1998, and current through September 30, 2024.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Waukesha, Wisconsin 53186.

3. Respondent received a Doctorate in Naturopathic Medicine from Clayton College of Natural Health, an unaccredited college that ceased operations in July 2010.

4. At all times relevant to this proceeding, Respondent practiced at her own clinic in Waukesha, Wisconsin (Clinic), with her collaborating physician, and was not yet required to be licensed as a naturopathic doctor.

5. On August 26, 2021, the Department received a complaint alleging that Respondent was posting misinformation about COVID-19 and its vaccine on her social media.

6. During its investigation, the Department reviewed podcasts recorded by Respondent during the COVID-19 pandemic and posted on the Clinic's website. The podcasts were part of a series called "Let's Talk Wellness Now with Dr. Deb."

7. On March 8, 2021, during a podcast called "CV-19 Vaccine Concerns," Respondent made the following statement: "If you do come down with the virus, you can get a prescription for hydroxychloroquine or ivermectin, which is another recently approved medication for the virus that I have found works very, very well."

8. During the same March 8, 2021 podcast, Respondent also said: "Dr. Fauci owns a number of vaccine patents, including one that is being trialed to fight coronavirus by some of America's biggest manufacturing companies....And if one of those four companies successfully develops a coronavirus vaccine, which we know they're all in trial for it, Fauci and the NIAID stand to collect half of all his royalties...."

9. Ivermectin has never been approved for use in preventing or treating COVID-19 by the U.S. Food and Drug Administration (FDA), the federal agency empowered to approve drug products after evaluating the scientific data to be sure they are safe and effective for a particular use.

10. Dr. Anthony Fauci, former director of the National Institute of Allergy and Infectious Diseases, does not have any patents for vaccines according to the U.S. Patent and Trademark website.

11. On September 13, 2021, during a podcast called "97% of the People Should Be Asking," Respondent made the following statement: "We also know that the Pfizer jab has a protein reaction that occurs in the placenta of pregnant women and causes the placenta to calcify. Causing that placenta to calcify is increasing the risk of miscarriage and stillbirths....And here we are calcifying the placenta, causing an autoimmune reaction to occur inside the placenta for our own bodies to attack the placenta and kill our unborn children."

12. Respondent has not produced any peer-reviewed scientific studies or other credible medical evidence that supports the statement above. On January 27, 2021, the American College of Obstetricians and Gynecologists and the Society for Maternal and Fetal Medicine issued a joint statement stressing that COVID-19 vaccines should not be withheld from pregnant women and that research has shown no adverse effects on female reproduction or fetal/embryonal development.

13. On April 18, 2022, during a podcast called “What Does COVID Long Haulers and Lyme Have in Common,” Respondent made the following statement about the COVID-19 vaccine: “It is not a vaccine. It has four amino acids or four molecules of the HIV virus inserted into it.”

14. Respondent has not produced any peer-reviewed scientific studies or other credible medical evidence that supports the statement above.

15. On September 26, 2022, during a podcast called “The Truth is Out,” Respondent made the following statement: “What is it in their dossier that Pfizer knew about that they didn’t want any of us to know? Well, it’s the 1,223 deaths within 30 days of release of their vaccine is what they don’t want us to know. This is unprecedented.”

16. Respondent has not produced any peer-reviewed scientific studies or other credible medical evidence that links the Pfizer COVID-19 vaccine with 1,223 deaths within 30 days of its release. Respondent’s statement misinterprets data from a Pfizer report issued in 2021, which tracked deaths and adverse events reported by people who received the vaccine during a certain period but did not indicate a causal relationship between the vaccine and those outcomes.

17. On December 2, 2021, a joint policy statement was issued by multiple nursing organizations, including the National Council of State Boards of Nursing, the American Academy of Nurse Practitioners Certification Board, the American Association of Nurse Practitioners, and the American Nurses Association, indicating the following:

SARS-CoV-2 is a potentially deadly virus. Providing misinformation to the public regarding masking, vaccines, medications and/or COVID-19 threatens public health. Misinformation, which is not grounded in science and is not supported by the CDC (Centers for Disease Control and Prevention) and FDA, can lead to illness, possibly death, and may prolong the pandemic. It is an expectation of the U.S. boards of nursing, the profession, and the public that nurses uphold the truth, the principles of the Code of Ethics for Nurses (ANA, 2015) and the highest scientific standards when disseminating information about COVID-19 or any other health-related condition or situation.

When identifying themselves by their profession, nurses are professionally accountable for the information they provide to the public. Any nurse who violates their state nurse practice act or threatens the health and safety of the public through the dissemination of misleading or incorrect information pertaining to COVID-19, vaccines and associated treatment through verbal or written methods including social media may be disciplined by their board of nursing.

18. 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. By the conduct described in the Findings of Fact, Respondent engaged in misrepresentation, which constitutes grounds for taking disciplinary action on her nursing license pursuant to Wis. Admin. Code § N 7.03(5).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,857.00. If costs are not paid ninety (90) days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).

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
DPSMonitoring@wisconsin.gov

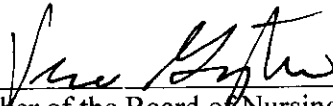
Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

5. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

6. In the event Respondent violates any term of this Order, Respondent's license (number 123803-30) and certificate (number 1167-33), or Respondent's right to renew her license and certificate, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board of Nursing

11/9/23
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEBRA A. MUTH, R.N., A.P.N.P.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008849

Division of Legal Services and Compliance Case No. 21 NUR 526

Respondent Debra A. Muth, R.N., A.P.N.P., 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 Bradley Fulton.

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.

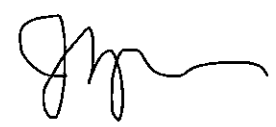
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Debra A. Muth, R.N., A.P.N.P., Respondent
Waukesha, WI 53186
License No. 123803-30
Certificate No. 1167-33

October 19, 2023
Date


Bradley Fulton, Attorney for Respondent
Caliber Law, LLC
804 Liberty Blvd., Suite 209
Sun Prairie, WI 53590

October 19, 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

October 20, 2023
Date