

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST

CAMILLE R. FIREHAMMER, RN,  
RESPONDENT

FINAL DECISION AND ORDER  
98 NUR 134  
LS9907091NUR

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The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*Camille R. Firehammer, RN  
2002 Saint Clair St.  
Racine, WI 53402*

*Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935*

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

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. 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

1. Camille R. Firehammer (D.O.B. 07/18/54) is duly licensed as a registered nurse in the state of Wisconsin (license #93086). This license was first granted on March 26, 1986.
2. Ms. Firehammer's latest address on file with the Department of Regulation and Licensing is 2002 Saint Clair St., Racine, WI 53402.
3. On or about February 26, 1997, respondent was convicted in Kenosha County, Wisconsin, of attempting to obtain a controlled substance by fraud, a felony, in violation of sec. 961.43(1)(a), Stats. A true and correct copy of the Criminal Complaint and Judgment of Conviction(s) in this matter are attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Order.
4. In resolution of this matter, Ms. Firehammer consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow her an opportunity to continue her nursing career, in light of the facts and circumstances of this case.

## CONCLUSIONS OF LAW

By the conduct described above, Camille R. Firehammer is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to sec. 441.07, Stats., and Wis. Admin. Code § N7.04(1) and (2).

## **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that:

### **SUSPENSION**

**A.** The license of Camille R. Firehammer (license #93086) shall be SUSPENDED for an INDEFINITE PERIOD of time.

IT IS FURTHER ORDERED that:

### **PETITION FOR STAY OF SUSPENSION**

**B.** Ms. Firehammer may petition the Board for a stay of the suspension of her licensure at any time following the effective date of this Order.

1. In conjunction with a petition by Ms. Firehammer, the Board shall require a report from a current independent evaluation performed by a health care provider acceptable to the Board of Ms. Firehammer's ability to safely return to the practice of nursing.

a. Ms. Firehammer shall obtain Board approval of the assessor prior to the assessment being performed.

b. The assessor shall submit a written report of his or her findings directly to the Board, including: a diagnosis of Ms. Firehammer's condition; recommendations for treatment; an evaluation of Ms. Firehammer's level of cooperation in the assessment process; ability to work and work restriction recommendations; and Ms. Firehammer's prognosis. The assessment shall reflect that the assessor has received and reviewed copies of this order and Division of Enforcement investigative materials regarding Ms. Firehammer. In addition, the assessment shall reflect that the assessor has consulted with Ms. Firehammer's prior treatment providers and probation or parole officers in conjunction with the assessment. To be considered current, the assessment shall be conducted within not more than thirty (30) days from the date of the petition.

3. Respondent shall in addition with any petition submitted under this Order account fully for her employment and time not employed, and shall provide information on any continuing education undertaken, or describe how she has maintained competence and learning, including a list of specific activities pursued. She shall disclose fully all contacts with the criminal justice system where Respondent potentially is or was the subject of charges and shall submit documentation from her probation and/or parole offices attesting to her status with the criminal justice system.

4. In the exercise of its discretion, the Board in addition may require a personal appearance by Respondent to answer questions in conjunction with her petition. The Board may in addition require the Respondent to undergo and may consider the results of one or more physical, mental or professional competency examinations if the Board believes that the results of any such examinations may be useful to the Board.

5. Denial in whole or in part of a petition under this Order shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

### **TERM OF STAY**

**C.** A stay under the terms of this Order shall be for a period of three (3) months. If the Board issues a three month stay:

1. Camille R. Firehammer may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Ms. Firehammer's practice during the prior three (3) month period.

2. If the Board denies the petition by Ms. Firehammer for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Admin. Code Ch. RL 1 upon timely receipt of a request for hearing.

3. Ms. Firehammer may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the conditions imposed upon her licensure. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

## **CONDITIONS OF STAY**

### **D. REHABILITATION, MONITORING AND TREATMENT**

#### **Treatment Required**

1. Respondent shall maintain successful participation in any program of treatment or counseling recommended as a result of the assessment(s) performed in compliance with paragraph B, above.

#### **Drug screens:**

**2. The Board shall require the respondent to undergo a drug-screening program in conjunction with any stay of suspension granted. The program shall include the following terms and conditions.**

a. The Respondent arrange for and participate in a program acceptable to the Board of independently witnessed consumption of all medication(s) prescribed for the treatment or management of her mental health status.

b. Respondent participate in a program of random witnessed monitoring for the presence of prescribed medications in compliance with her treatment program on a frequency acceptable to the Board. The Board, via its designated agent, shall determine an acceptable minimum frequency of screens. [It is anticipated that the Board will set an initial minimum frequency of screens of not less than four (4) times per month.] If the Board, via its designated agent, or the physician or therapist supervising Respondent's plan of care deems that blood or urine screens are warranted in addition to the base frequency established under this paragraph, Respondent shall submit to such additional screens.

i. Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required and any other expenses associated with compliance with this Order.

ii. Respondent shall keep her Supervising Health Care Provider and monitoring facility informed of Respondent's location and shall be available for contact by her Supervising Health Care Provider at all times.

iii. All requested specimens shall be provided by Respondent within five (5) hours of the request for the specimen. All urine specimen collections shall be a split sample accomplished by dividing urine from a single void into two specimen bottles. The total volume of the split sample shall be at least 45 ml. of urine. All breath, split sample urine specimens, blood specimens and hair specimens shall be collected, monitored and chain of custody maintained in conformity with the collection, monitoring and chain of custody procedures set forth in 49 CFR Part 40. Urine specimen collections shall be by direct observation if:

1. The Respondent must provide an additional specimen because Respondent's initial specimen was outside of the normal temperature range (32.5 - 37.7 C/90.5 - 99.8 F) and she refuses to have an oral body temperature measurement; or she does provide an oral body temperature measurement, and the reading varies by more than 1 C/1.8 F from the temperature of the urine specimen;

2. Respondent's last provided specimen was determined by the laboratory to have a specific gravity of less than 1.003 and creatinine concentration below 0.2 g/l;

3. The collection site person observes Respondent acting in such a manner to provide reason to believe that Respondent may have attempted or may attempt to substitute or adulterate the specimen. The collection site person, if she or she believes that the initial urine specimen may have been adulterated or a substitution made, shall direct Respondent to provide an additional observed urine specimen;

4. The last provided specimen resulted in a negative or suspected negative test result for the presence of prescribed medications [hereinafter "negative test result"] for the presence

of prescribed medications; or

5. The Board of Nursing (or any member of the Board), the Department Monitor, or Respondent's Supervising Health Care Provider directs that the urine specimen collection be by direct observation.

If either of the above conditions (1) or (3) requires collection of an additional observed urine specimen, the collection of the subsequent specimen shall be accomplished within the required five (5) hours of the request for the initial specimen; the collection of the initial specimen shall not satisfy the requirement that the urine specimen be collected within five (5) hours of the request for the initial specimen.

iv. Respondent's monitoring plan shall name a screening facility which at all times utilizes a United States Department of Health and Human Services certified laboratory for the analysis of all specimens collected from Respondent.

v. Respondent's monitoring plan shall utilize only those specimen collection sites for collection of Respondent's urine, blood and hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

vi. The Supervising Health Care Provider, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each specimen collected from Respondent.

vii. Every urine specimen collected from Respondent shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of Respondent. Every urine specimen collected from Respondent shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a Supervising Health Care Provider or the Board of Nursing or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

viii. Unless otherwise directed by the Board, all specimens collected from Respondent shall be analyzed for the presence of medications prescribed to Respondent for the treatment of her mental health condition.

The laboratory shall conduct confirmatory tests of negative or suspected negative test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

ix. All specimens remaining after testing shall be maintained in a manner necessary to preserve the integrity of the specimens for at least seven (7) days; and all negative or suspected negative specimens remaining after testing shall be so maintained for a period of at least one (1) year. The Supervising Health Care Provider or the Board of Nursing or any member thereof may direct that the specimens be maintained for a longer period of time.

x. For the purpose of further actions affecting Respondent's license under this Order, it shall be presumed that all confirmed negative reports are valid. Respondent shall have the burden of proof to establish that the negative report was erroneous and that the Respondent's specimen sample did contain her prescribed medications or their metabolites.

xi. If any specimen is negative or suspected negative for any of Respondent's prescribed medications, Respondent shall promptly submit to additional tests or examinations as the Supervising Health Care Provider shall determine to be appropriate to clarify or confirm the negative or suspected negative specimen test results.

## Required reporting

3. The Supervising Health Care Provider shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in her treatment program and (if applicable) summarize the results of the specimen analyses.

4. The Supervising Health Care Provider shall report **immediately** to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-7139]: 1) any change in Respondent's condition which would impair her ability to safely and competently practice her profession; or 2) any violation or suspected violation of the Board of Nursing's Final Decision and Order.

5. If the Board requires drug screens or monitoring of medication consumption, the following reporting requirements shall apply:

a. The person or persons responsible for witnessing Respondent's consumption of medication(s) [hereinafter "medication witness(es)"] shall report **immediately** to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of Respondent to take medications or to appear within one (1) hour of the time(s) arranged for witnessed consumption of medications.

b. The Supervising Health Care Provider shall report **immediately** to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of Respondent to provide a specimen within five (5) hours from the time it was requested; or of any inability to locate Respondent to request a specimen. The laboratory shall **immediately** report all urine specimens suspected to have been tampered with and all specimens which are negative or suspected negative for Respondent's prescribed medications to the Department Monitor, and to the Supervising Health Care Provider.

c. The laboratory shall within 48 hours of completion of each specimen analysis mail the report from **all** specimens requested of Respondent under this Order to the Department Monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for Respondent's prescribed medications. Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of prescribed medications.

d. The medication witness(es) shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor.

e. The Monitoring Facility shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall summarize the results of the specimen analyses. The Monitoring Facility shall report **immediately** to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-7139] any violation or suspected violation of the Board of Nursing's Final Decision and Order.

### **Reporting by Respondent**

6. Respondent shall be responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order, including any failures of the Supervising Health Care Provider, medication witness(es), treatment facility, laboratory or collection sites to conform to the terms and conditions of this Order.

### **Facility approval**

7. If the Board of Nursing determines that the Supervising Health Care Provider, treatment facility, monitoring facility, laboratory or collection sites have failed to satisfy the terms and conditions of this Final Decision and Order, the Board may, at its sole discretion, direct that Respondent continue her treatment and rehabilitation program under the direction of another Supervising Health Care Provider, treatment facility, laboratory or collection site which will conform to the terms and conditions of this Final Decision and Order.

### **Department monitor**

8. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows: Department Monitor, Department of Regulation and Licensing Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935. FAX (608) 266-2264 TEL. (608) 267-7139.

### **Releases**

9. Respondent shall provide and keep on file with all treatment facilities and personnel, medication witness(es), laboratories, and collections sites current releases which comply with state and federal laws authorizing release of all of Respondent's drug screen results and her medical and treatment records and

reports. In addition, these releases shall permit her treating physicians and therapists to disclose and discuss the progress of her treatment and rehabilitation with the Board of Nursing or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board of Nursing. Copies of these releases shall be filed simultaneously with the Department Monitor.

## **SCOPE OF PRACTICE**

### **E. LIMITATIONS AND CONDITIONS**

#### **Disclosure**

1. Respondent shall provide any current or prospective nursing employers with a copy of this Final Decision and Order immediately upon issuance of a stay of suspension under this Order, and upon any change of employment during the time in which a stay of suspension is in effect. In addition, Respondent shall provide her employer with a copy of any order granting an extension of stay under this Order within five (5) days of Respondent's receipt of an order granting a stay.

2. Respondent shall immediately provide her employer with a copy of any denial of an extension of stay under this Order.

#### **Required reporting**

3. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a schedule as directed by the Department Monitor. An employer shall report **immediately** to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-7139] any violation or suspected violation of the Board of Nursing's Final Decision and Order.

4. Respondent shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

#### **Practice restrictions**

5. The Board may, in the exercise of its discretion, impose such restrictions upon the scope of Respondent's practice as the Board feels necessary to protect patient and public health, safety and welfare. Such restrictions may include, but are not limited to

- a. Required supervision;
- b. Limitations on access to controlled substances and/or limitation on medication ordering or prescription pads, records et cetera;
- c. Limitations on work site settings, such as pool or home care nursing or
- d. Other work restrictions recommended by respondent's supervising health care provider.

### **PETITIONS FOR MODIFICATION OF TERMS**

**F.** Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the conditions in effect against her license. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

### **SUMMARY SUSPENSION**

**G. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.**

### **H. EFFECTIVE DATE OF ORDER**

This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

Timothy D. Burns, CRNA

July 9, 1999

On behalf of the Board

Date