

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING  
IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

BRUCE E. WALLEY, RN,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0105231NUR

**Division of Enforcement Case No. 00 NUR 067**

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

Bruce E. Walley, RN  
14490A Old Indian Village Road  
Lac du Flambeau, WI 54538

Board of Nursing  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO 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. Bruce E. Walley, RN (DOB 03/28/56), is duly licensed in the state of Wisconsin to practice as a registered nurse (license #133330). This license was first granted on August 30, 1999.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 14490A Old Indian Village Road, Lac Du Flambeau, WI 54538.
3. On or about January 20, 2000, the Iowa Board of Nursing imposed disciplinary action against the license of Respondent. The factual basis for the imposition of discipline against Respondent in Iowa involved inaccurate documentation of administration of controlled substances, failure to properly assess a patient and failure to properly chart his assessment. A true and correct copy of the Iowa Order and Proposal for Decision is attached and incorporated by reference into this document as Exhibit A.
4. Between April 27, 1999 and August 30, 1999 Respondent worked as a registered nurse at Howard Young Medical Center, Woodruff, Wisconsin without a current and valid Wisconsin nursing license.

5. The Division of Enforcement has received complaints regarding Respondent's performance of duties at Howard Young Medical Center.

6. Respondent consents to the issuance of the following Conclusions of Law and Order in resolution of this matter.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to ch. 441.07, Stats.
2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
3. The conduct described above constitutes a basis for discipline under secs. 441.06(4) and 441.07(1)(c) and (d), Stats, and Wis. Admin. Code § N7.03 and N7.04 (1), (7) and (15).

#### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that that the license of Bruce E. Walley (license #133330) shall be LIMITED as follows:

#### **ASSESSMENT**

1. Within 90 days from the effective date of this Order, Respondent shall submit documentation of a current AODA assessment from a health care provider acceptable to the Board attesting to Respondent's ability to safely and competently practice as a registered nurse. To be considered current, the assessment shall occur within thirty (30) days from the date of its submission.
2. If the assessment referred to above reveals a need for treatment, Respondent shall initiate and maintain successful participation in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board. As a part of treatment, Respondent must attend therapy on a schedule as recommended by his supervising health care provider; attendance, however, shall be required at least four (4) times per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous or another self-help group acceptable to the Board at least one (1) time per week.
3. Respondent shall remain free of prescription drugs and controlled substances not prescribed for valid medical purposes.
4. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or create false positive screening results, or which may interfere with Respondent's treatment and rehabilitation
5. If the assessment referred to above reveals need for treatment, the Board of Nursing reserves the right to require drug screens as a continuing condition of licensure sufficient to monitor Respondent for the presence in his blood, hair or urine of alcohol or controlled substances. The board may establish a minimum schedule of testing for these substances. Testing shall be performed and results reported in a manner consistent with current monitoring protocols of the Department.

#### **Releases**

a. [If applicable] Respondent shall provide and keep on file with all applicable treatment facilities and personnel, laboratories, and collections sites current releases which comply with state and federal laws authorizing release of all of Respondent's urine, blood and hair specimen screen results and his medical and treatment records and reports. In addition, these releases shall (if applicable) permit his treating physicians and therapists to disclose and discuss the progress of his 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.

#### **Facility approval**

b. [If applicable] If the Board of Nursing determines that a supervising health care provider, treatment facility, monitoring facility, laboratory or collection site has failed to satisfy the current monitoring protocols of the Department, the Board may, at its sole discretion, direct that Respondent continue his 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 the current monitoring protocols of the Department.

### **CONTINUING EDUCATION**

6. Within nine (9) months of the effective date of this Order, Respondent shall submit documentation of successful completion of at least fifteen (15) hours of continuing education or other training acceptable to the Board in the area(s) nursing assessment, documentation and charting. To be acceptable, the course or training shall be pre-approved by a member or designated agent of the Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Respondent verifying that he attended the course(s) in its (their) entirety. Respondent may submit for approval documentation of classes attended since January 1, 2000.

7. Respondent shall inform the Board of Nursing within 15 days of any change of address or residence.

### **SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS**

8. Respondent shall provide any current or prospective Wisconsin nursing employers with a copy of this Final Decision and Order immediately upon its issuance and upon any change of employment during the time in which the Order remains in effect.

9. For nursing work in Wisconsin, Respondent shall arrange for quarterly reports from his supervisor(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. An employer shall report **immediately** to the Department Monitor [Division of Enforcement, PO 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.

10. Respondent shall report to the Board any change in employment status relative to nursing work in Wisconsin within five (15) days of any such change.

### **DEPARTMENT MONITOR**

11. 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

PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-3817

### **EXPENSES**

12. Respondent shall be responsible for all costs and expenses incurred in conjunction with or associated with compliance with the terms of this Order.

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

13. After one (1) year of nursing practice in the state of Wisconsin with full and continuous compliance with the terms of this Order, Respondent may petition the Board to revise or eliminate any of the above conditions. 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.

### **SUMMARY SUSPENSION**

**14. 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 or other additional discipline for a violation of any of the terms of this Order.**

**EFFECTIVE DATE OF ORDER**

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

BOARD OF NURSING

By: Ann Brewer

8-2-01

On behalf of the Board

Date