

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

:  
: FINAL DECISION AND ORDER  
: LS 0711051HAD

KRISTINE E. BELAND,  
RESPONDENT.

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05 HAD 014

The parties in this matter for purposes of Wis. Stat. § 227.53 are:

Kristine E. Beland  
425 43<sup>rd</sup> Street  
Kenosha, WI 53140

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

Hearing and Speech Examining Board  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708

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 Hearing and Speech Examining 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. Kristine E. Beland (“Respondent”) was born on May 13, 1968, and is licensed to practice speech-language pathology in the state of Wisconsin pursuant to license number 1262, first granted on April 21, 1995.
2. Respondent’s most recent address on record with the Hearing and Speech Examining Board is 425 43<sup>rd</sup> Street, Kenosha, Wisconsin 53140.
3. On August 16, 2005, Respondent was working as a speech language pathologist at Brookside Care Center, Kenosha, Wisconsin, and between November 11, 2005, and November 17, 2005, Respondent worked as a speech language pathologist at Southport Elementary School, Kenosha, Wisconsin.
4. On August 16, 2005, Respondent stole several dozen doses of narcotic medication, Percocet and Vicodin, from a medication cart at Brookside Care Center.

5. On August 17, 2005, Respondent provided a hand-written statement to the Kenosha Police Department admitting the theft and describing the method she had used to commit the theft, and stating that she was a drug addict trying to overcome the addiction on her own.

6. As a consequence of Respondent's employment at Southport Elementary School, Respondent learned that a teacher at Southport had recently had surgery and had a prescription for Vicodin for pain control.

7. On November 14, 2005, Respondent impersonated that teacher in a telephone call to the teacher's pharmacy, asking that the pharmacy call the teacher's physician and get authorization for a refill of the teacher's prescription of Vicodin. The pharmacy did so, the physician authorized the refill, and Respondent, pretending to be the teacher, picked up the prescription from the pharmacy on November 15, 2005.

8. The teacher learned of the impersonation, and on November 17, 2005, Respondent confessed to the teacher that Respondent had committed the impersonation to obtain the Vicodin, and told the teacher that she had done so to obtain pain medication for Respondent's husband. Respondent asked the teacher to lie for Respondent, and tell the teacher's physician that the teacher had asked for the refill, and picked up the medication. The teacher refused to do so.

9. At approximately 11:45 p.m. on March 7, 2006, Respondent was arrested in a store parking lot by Kenosha Police Department for possession of cocaine. Respondent gave a statement to the Kenosha Police Department, saying that she had a serious drug problem, that she had purchased the cocaine that evening, and intended to use the cocaine herself.

10. On December 27, 2006, Respondent was convicted of possession of cocaine, in violation of Wis. Stat. § 961.41(3g)(c), an unclassified misdemeanor crime.

#### CONCLUSION OF LAW

1. The Hearing and Speech Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 459.34.

#### ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

#### SUSPENSION

- A.1. The license of Kristine E. Beland to practice as a speech language pathologist in the State of Wisconsin is **SUSPENDED** for an indefinite period.
- A.2. Respondent shall mail or physically deliver all indicia of Wisconsin speech language pathology licensure to the Department Monitor within 14 days of the effective date of this order. Limited credentials will be reissued.
- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least three (3) years with the terms of this Order, including at least 600 hours of active practice of speech language pathology for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.4. for return of full Wisconsin licensure.
- A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

#### STAY OF SUSPENSION

- B.1. The suspension of Respondent's Wisconsin speech language pathology license shall be stayed upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that

Respondent is in compliance with the provisions of Sections C and D of this Order.

- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
- (a) Mailing to Respondent's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
  - (b) Actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

## CONDITIONS AND LIMITATIONS

### Releases

- C. 1. Respondent shall provide and keep on file with laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to: (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

### AA/NA Meetings

- C. 2. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the Department Monitor.

### Sobriety

- C. 3. Respondent shall abstain from all personal use of alcohol.
- C. 4. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee.
- C. 5. Respondent shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.
- C. 6. Respondent shall report all medications and drugs, over-the-counter or prescription, taken by Respondent to the Department Monitor within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. If Respondent has not provided a release as required by C.9 above, within 24 hours of a request by the Board or its designee, Respondent shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Respondent's treatment with, and provide copies of treatment records to, the requester.

### Drug and Alcohol Screens

- C. 7. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Adm. Code § RL 7.11 (“Approved Program”). A list of Approved Programs is available from the Department Monitor.
- C. 8. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - (b.) Production of a urine specimen at a collection site designated by the Approved Program within twelve (12) hours of notification of a test.
- C. 9. The Approved Program shall require the testing of urine specimens at a frequency of not less than 24 times per year, for the first year of this Order. After the first year, the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C. 10. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- C. 11. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.
- C. 12. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.
- C. 13. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.

#### Practice Limitations

- C. 14. Respondent shall not work as a speech language pathologist or health care provider in a setting in which Respondent has access to controlled substances.
- C. 15. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

#### MISCELLANEOUS

##### Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

##### Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months the Respondent shall notify the Department Monitor of the Respondent’s compliance with the terms and conditions of the Order, and shall provide the Department Monitor with

a current address and home telephone number.

#### Change of Approved Program by Board

- D.3. If the Board or its designee determines the Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Approved Program.

#### Petitions for Modification of Limitations or Termination of Order

- D.4. Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's physician expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

#### Costs of Compliance

- D.5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

#### Costs of Proceeding

- D.6. Respondent shall pay costs of \$850.00 to the Department of Regulation and Licensing, within 180 days of this Order. In the event Respondent fails to timely submit any payment of costs, the Respondent's license (#1262) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

#### Additional Discipline

- D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 459.34.

Dated at Madison, Wisconsin this 5<sup>th</sup> day of November, 2007.

Wisconsin Hearing and Speech Examining Board

By: Okie E Allen  
A Member of the Board