

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 :
 : FINAL DECISION AND ORDER
JARMAINE L. ELLIS, L.P.N., : LS0911054NUR
RESPONDENT. :

[Division of Enforcement Case # 07 NUR 76]

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

Jarmaine L. Ellis, L.P.N.
4533 N 67th Street
Milwaukee, WI 53218

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

Wisconsin Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
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. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Jarmaine L. Ellis, L.P.N., (DOB March 15, 1978) is duly licensed as a practical nurse in the state of Wisconsin (license # 306353). This license was first granted on September 1, 2006.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 4533 N. 67th St., Milwaukee, WI 53218.
3. At all times relevant to this action, Respondent was working as practical nurse at Waukesha Springs located in Waukesha, Wisconsin.
4. On 2/27/2007, while on duty, Respondent, through no fault of his own, was attacked and bitten by a dog. As a result of this incident, Respondent went to Aurora Health Clinic for an evaluation. As part of this evaluation, Respondent voluntarily submitted to a drug screen and tested positive for marijuana.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. §441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. §227.44(5).

2. The conduct described in paragraph 4, above, constitutes a violation of Wisconsin Administrative Code § N 7.04(2) and Wis. Stat. §441.07(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Jarmaine L. Ellis, L.P.N., is hereby, REPRIMANDED for his unprofessional conduct in this matter.

2. Respondent shall, upon request of the Board or its designee, or any agent of the Board or its designee (which may include a law enforcement officer) provide a sample of her breath, blood, urine, or hair for testing. This provision shall not be deemed a limitation on Respondent's license, but violation shall be subject to action pursuant to par. 3, below.

3. Violation of any of the terms of this Order may 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 impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

4. Respondent 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
Telephone (608) 267-3817
Fax (608) 266-2264

5. In the event Respondent fails to timely pay costs, as ordered, the Respondent's license (# 306353) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, including any accrued interest.

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

Wisconsin Board of Nursing

By: Kathleen Sullivan
A Member of the Board

11/5/09
Date