

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:  
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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF :

JUDY DOLORES MICEK, R.N., :  
RESPONDENT. :

FINAL DECISION  
AND ORDER

-----  
ORDER 0001724

The parties to this action for the purposes of Wis. Stats.  
sec. 227.16 are:

Judy Dolores Micek, R.N.  
1220 Lauderdale Place  
LaCrosse, WI 54603

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

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

The rights of a party aggrieved by this decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

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. 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. Judy Dolores Micek, R.N. (D.O.B. - April 14, 1944) is and was at all times relevant to this action duly licensed as a Registered Nurse in the State of Wisconsin (License #53186). This license was issued on December 23, 1970.

2. Ms. Micek is suffering from the disease of chemical dependency, with a diagnosis of alcohol dependence, continuous.

3. Ms. Micek is currently engaged in a treatment program for chemical dependency at McBride Center for the Impaired Professional (Milwaukee Psychiatric Hospital Division of Chemical Dependency).

### CONCLUSIONS OF LAW

By the conduct described above, Ms. Micek is subject to disciplinary action against her license pursuant to Wis. Stats. secs. 441.07(1)(c).

Therefore, it is hereby ORDERED:

(a) The license of Ms. Micek is SUSPENDED for a period of not less than two (2) years. The suspension shall be stayed for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

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

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

iii. Upon successful compliance for a period of two (2) years with the terms of paragraph (b), below, the Board shall grant a petition by Ms. Micek for a return of full licensure.

iv. In consideration of Ms. Micek's regime of treatment commencing in June, 1987, the Board reduces the two (2) year compliance period by 3 months.

#### (b) CONDITIONS OF STAY.

i. Ms. Micek must remain in a program acceptable to the Board for the treatment of chemical dependency. As a part of her treatment, Ms. Micek must attend therapy on a schedule that is recommended by her therapist; attendance, however, shall be required at least four time(s) per month. In addition, Ms. Micek must attend Alcoholics Anonymous or Narcotics Anonymous at least four time(s) per month.

ii. Upon request of the Board, Ms. Micek must provide the Board with current releases complying with state and federal laws, authorizing release of her counseling, treatment and monitoring records.

iii. Ms. Micek must remain free of alcohol, prescription drugs and controlled substances not prescribed for a valid medical purpose during the period of limitation.

iv. Ms. Micek must participate in a program of random, witnessed monitoring, on the basis of at least four time(s) per month for controlled substances and alcohol in her blood and/or urine. If the therapist supervising Ms. Micek's plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Micek must submit to those screens.

. Ms. Micek 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.

To be an acceptable program, the monitoring facility must agree to provide random and witnessed gatherings of specimens for evaluation. It must further agree to file an immediate report with the Board of Nursing upon such failures to participate as: if Ms. Micek fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Micek refuses to give a specimen for analysis upon a request authorized under the terms of this order.

v. Ms. Micek shall refrain from nursing employment until such time as her therapist indicates that she may safely and competently return to practice.

vi. Ms. Micek shall limit her scope of practice in accordance with the recommendations, if any, of her therapist.

vii. Ms. Micek shall arrange for written quarterly reports to the Board of Nursing from her employer evaluating her work performance; from her monitoring facility providing the dates and results of the screenings performed; and from her counselor evaluating her attendance and progress in therapy as well as evaluating her level of participation at AA/NA meetings. The employer reports for Ms. Micek shall include a description of any access to controlled substances by Ms. Micek.

viii. Ms. Micek shall report to the Board within five (5) days of any change in her employment status.

(c) Ms. Micek may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions.

(d) Violation of any of the terms of this order may result in the summary suspension of Ms. Micek's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations on Ms. Micek's practice; or the imposition of other additional discipline.

(f) This order shall become effective ten (10) days following the date of its signing.

BOARD OF NURSING

By: Mary Ann Clark RN  
A Member of the Board

9/18/57  
Date

SMG:rjt  
891-875

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF :  
: STIPULATION  
JUDY DOLORES MICEK, R.N., :  
RESPONDENT. :  
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It is hereby stipulated between Judy Dolores Micek, R.N., personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Micek's licensure by the Division of Enforcement (85 Nurse 91). Ms. Micek consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Micek understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Ms. Micek agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.
4. 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 be returned to the Division of Enforcement for further proceedings.
5. If the Board accepts the terms of this Stipulation, 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.
6. Attached to this Stipulation is the current licensure card of Ms. Micek. If the Board accepts the Stipulation, Ms. Micek's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Ms. Micek shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

. 7. Also attached to this Stipulation are copies of Ms. Micek's health care records for review by the Board in conjunction with their consideration of the attached Final Decision and Order.

8. The Division of Enforcement joins Ms. Micek in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Judy Dolores Micek R.N.  
Judy Dolores Micek, R.N.

8/26/87  
Date

Steven M. Gloe  
Steven M. Gloe, Attorney  
Division of Enforcement

8/28/87  
Date

SMG:dms  
0704

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is September 28, 1987.

WLD:dms  
886-490