

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:

Valerie Diann Hallam, R.N.
RESPONDENT

FINAL DECISION
AND ORDER
91 NUR 195

The parties to this action for the purposes of Wis. Stats. sec. 227.53
are:

Valerie Diann Hallam, R.N.
1512 32nd Avenue
Menominee, MI 49858

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. Valerie Diann Hallam (DOB 01/07/36) has been duly licensed in the
State of Wisconsin as a registered nurse (license # 0300092847). This license
was first granted on March 27, 1986.
2. Ms. Hallam's latest address on file with the Department of Regulation
and Licensing is 1512 32nd Avenue, Menominee, Michigan 49858.
3. On January 11, 1991 in Case 91 NUR 195 a Final Decision and Order was
entered by the Board of Nursing which required among other things, as follows:

...

iii. Ms. Hallam shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Ms. Hallam must participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood/urine on a frequency of not less than four (4) times per month.

....

4. Urine screens of Ms. Hallam on 10/25/91, 11/08/91 and 11/13/91 tested positive for meperidine and/or normeperidine. Ms. Hallam contests the validity of these positive screens.

5. As a result of the positive tests the Board of Nursing entered an Order dated January 31, 1991 and effective February 4, 1991 suspending the license of Ms. Hallam.

6. Since the occurrence of the positive screens, Ms. Hallam has continued to participate in counseling and AA meetings, but has not submitted to screening for the presence of controlled substances, for the reason that she is not employed.

7. By reason of the action of the Board of Nursing, Ms. Hallam is unemployed.

CONCLUSIONS OF LAW

By the conduct described above, Valerie Diann Hallam is subject to disciplinary action against her license to practice as a registered nurse in the State of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(d) and Wis. Adm. Code sec. N7.04(15).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Ms. Hallam shall submit to the Board a report from her therapist certifying her continued participation in therapy and AA meetings, and the absence of symptoms of a relapse.

2. Ms. Hallam shall provide proof of successful completion of a 30 day period of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of at least once per week. It shall be presumed that any positive test confirmed by gas chromatography or mass spectrometry is valid, and Ms. Hallam will have the entire burden of proof to establish that an error in testing or fault in the chain of custody resulted in a positive test result, confirmed as noted above.

3. Upon Ms. Hallam submitting the certification and proof required in paragraphs 1 and 2 of this Order, the Order of the Board of Nursing denying Ms. Hallam's petition for an extension of the stay of suspension of her license, bearing the date of January 31, 1991 shall be rescinded forthwith, and the license of Valerie Diann Hallam shall be suspended for a period of not less than one (1) year.

4. The suspension shall be stayed for a period of three (3) months, conditioned upon compliance with the conditions and limitations set forth in paragraph five (5) below.

a). Ms. Hallam 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. Hallam's practice during the prior three (3) month period.

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

c). Upon demonstration of Ms. Hallam of successful compliance with the terms of this Order for a period of one (1) year after the effective date of the suspension imposed in paragraph (3) of this Order, the Board shall grant a petition by Ms. Hallam for return of full licensure.

5. CONDITIONS OF STAY.

a). Ms. Hallam must continue successful participation in a program for the treatment of chemical dependency in a manner acceptable to the Board. Specifically, Ms. Hallam must attend therapy on a schedule as recommended by her therapist; attendance, however shall be required at least two (2) times per month. In addition, Ms. Hallam must attend Alcoholics or Narcotics Anonymous at least one (1) time per week.

b). Upon request of the Board, Ms. Hallam shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

c). Ms. Hallam shall remain free of alcohol, prescription drugs and controlled substances, unless prescribed for valid medical purposes, during the period of limitation.

d). Ms. Hallam must participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. If the physician or therapist supervising her plan of care or her employer deems that additional

blood or urine screens are warranted, Ms. Hallam shall submit to such additional screens. Following the initial 3 month stay, Ms. Hallam may petition the Board for a reduction in the required frequency of monitoring screens.

e). Ms. Hallam 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 shall agree to provide random and witnessed gatherings of specimens for evaluation. The facility must agree to maintain a custody record of all specimens, and to confirm positive test results with gas chromatography or mass spectrometry. It shall further agree to file an immediate report directly with the Board of Nursing upon such failure to participate as: failure to appear upon request, positive drug or alcohol screen, refusal to give a specimen for analysis upon a request authorized under the terms of this Order.

f). Bellin Hospital, Green Bay, Wisconsin, is the monitoring facility and reporting system selected by Ms. Hallam, which is acceptable to the Board. For the purpose of further action affecting Ms. Hallam's license, it shall be presumed that all confirmed positive reports are valid. Ms. Hallam shall have the entire burden of proof to establish that an error in testing or fault in the chain of custody resulted in a positive monitoring report, confirmed by gas chromatography or mass spectrometry.

g). Ms. Hallam shall provide her employer(s) with a copy of this Order immediately upon its issuance, and upon any subsequent change in employment. In addition, Ms. Hallam shall immediately provide her employer with a copy of any denial of extension of stay under this order.

h). Ms. Hallam shall arrange for quarterly reports to the Board of Nursing from her employer evaluating her work performance; from the monitoring facility providing the dates and results of the screenings performed; and from her therapist evaluating her attendance and progress in therapy as well as an evaluation of her level of participation in NA/AA meetings.

i). Ms. Hallam shall report to the Board any change in employment status, and change of residence address or telephone number, within five (5) days of any such change.

6. Ms. Hallam may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of such a petition shall not constitute a denial of license, and shall not give rise to a contested case within the meaning of Wis. Stats. sec. 227.01(3) and 227.42.

7. 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 Ms. Hallam's license. The Board in its discretion may in the alternative deny an extension of stay of suspension, or impose additional conditions and limitations, or other additional discipline in the event of a violation of any of the terms of this Order.

8. This Order shall be effective upon the date of its signing.

BOARD OF NURSING

By:

Jacqueline Johnson RN MS
A Member of the Board

Date

6/26/92

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

VALERIE DIANN HALLAM, R.N.,
RESPONDENT

STIPULATION
91 NUR 195

It is hereby stipulated between Valerie Diann Hallam, the Respondent, personally on her own behalf, and by her attorney, Bruce B. Deadman, and James W. Harris, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a suspension of Respondent's license by the Board of Nursing. Respondent consents to the resolution of this action without a formal hearing.

2. Respondent is aware and understands her rights with respect to disciplinary proceedings, including the right to a statement of the allegations against her, the right to a hearing at which time the State has the burden of proving those allegations, the right to confront and cross-examine the witnesses against her, the right to call witnesses on her behalf and to compel the attendance of witnesses 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. The Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of her right to seek legal representation and has been provided the opportunity to obtain legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, and further agrees that the Board may reach the conclusions set forth in the Conclusions of Law and enter the Order suspending her license and staying the suspension with limitations.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution

7. 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.

8. If the Board accepts the Stipulation Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order.

9. The parties to this Stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purpose of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their consideration of the Stipulation.

10. Attached to this Stipulation is a copy of the health care record of the Respondent for review by the Board in consideration of the agreement of the parties.

11. The Division of Enforcement joins the Respondent in recommending that the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Date: June 17, 1992

Valerie Diann Hallam
Valerie Diann Hallam

Date: June 18, 1992

B. B. Deadman
Bruce B. Deadman
Attorney for Respondent

Date: June 23, 1992

James W. Harris
James W. Harris, Attorney
Division of Enforcement

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 July 2, 1992,