

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
LINDA M. LARSON, R.N., : 91 NUR 007
RESPONDENT :
:

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

Linda M. Larson
6874 Days River 24.5 Road
Gladstone, MI 49837

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. Linda M. Larson, R.N. (D.O.B. 10/31/62) is duly licensed as a registered nurse in the state of Wisconsin (license #94798). This license was first granted on August 22, 1986.
2. Ms. Larson's most recent address known to the Wisconsin Board of Nursing is 6874 Days River 24.5 Road, Gladstone, MI 49837.
3. On exact dates unknown, but during at least January, 1991, Ms. Larson obtained controlled substances for her personal use from her employer, Woodstock Nursing Home, Kenosha, WI.
4. Ms. Larson is suffering from the disease of chemical dependency.

CONCLUSIONS OF LAW

By the conduct described above, Linda M. Larson is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1)(b), (c) and (d), and Wis. Adm. Code §§N7.03(2) and 7.04(1), (2) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Linda M. Larson (#94798) to practice as a practical nurse in the state of Wisconsin shall be SUSPENDED for an INDEFINITE PERIOD of time.

(a) IT IS FURTHER ORDERED that Ms. Larson may petition the Board at any time for a stay of the suspension of her licensure. In conjunction with a petition for an initial stay of the suspension imposed against her license, Ms. Larson shall present the Board with a current assessment from a source acceptable to the Board of her status in recovery from chemical dependency. The assessment shall be based upon an evaluation performed at an AODA certified facility within not more than thirty (30) days from the date of submission of a petition for stay by Ms. Larson. The assessment report shall reflect that the person performing the assessment has received a copy of this order. In addition, the report shall include a description of the method(s) of evaluation utilized in conducting the assessment, Ms. Larson's diagnosis and her prognosis for continued recovery. The report shall 1) specifically address the need (if any) for continued treatment by Ms. Larson, and 2) specify whether or not any work restriction(s) should be observed by Ms. Larson.

Denial in whole or in part of a petition for a stay shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

Upon its determination that Linda M. Larson can safely and competently return to the active practice of nursing, the Board may stay the suspension for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

- i. Linda M. Larson 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. Larson's practice during the prior three (3) month period.
- ii. If the Board denies the petition by Ms. Larson for an extension, 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.
- iii. Upon a showing by Respondent of complete, successful and continuous

compliance for a period of two (2) years with the terms of paragraph (b), below, Ms. Larson may petition for return of full licensure. The Board may, in its discretion, require that Ms. Larson complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license.

(b) CONDITIONS OF STAY

i. Ms. Larson shall comply with any recommendations for treatment contained in her assessment report. If treatment is recommended, Ms. Larson shall maintain successful participation in a program of treatment at a health care facility acceptable to the Board. As a part of treatment, Ms. Larson must attend therapy on a schedule as recommended by her therapist; the Board, however, may in its discretion establish a minimum number of therapy sessions per month.

In addition, Ms. Larson must attend Alcoholics or Narcotics Anonymous at least one (1) time per week.

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

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

iv. Ms. Larson 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. Larson shall submit to such additional screens.

Ms. Larson 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 failures to participate as: if Ms. Larson fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Larson refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Ms. Larson understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of further actions affecting Ms. Larson's license, it shall be presumed that all confirmed positive reports are

valid. Ms. Larson shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Ms. Larson 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; [if applicable] from her counselor evaluating Ms. Larson's attendance and progress in therapy; and from herself confirming her level of participation at NA/AA meetings.

vi. Ms. Larson shall refrain from access to or the administration of controlled substances in her work setting until such time as access or administration is approved by the Board.

vii. Ms. Larson shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Ms. Larson 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 a summary suspension of Ms. Larson's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

(e) This Order shall become 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	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
LINDA M. LARSON, R.N.,	:	91 NUR 007
RESPONDENT	:	

It is hereby stipulated between Linda M. Larson, 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 in resolution of the pending proceedings concerning Ms. Larson's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Ms. Larson 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 a preponderance of the 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. Larson is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Ms. Larson agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. 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. In the event that this 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.

6. Attached to this Stipulation is the current licensure card of Linda M. Larson. If the Board accepts the Stipulation, Ms. Larson'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. Larson shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement [and, if applicable, the member of the Board of Nursing assigned as an advisor in this investigation] may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

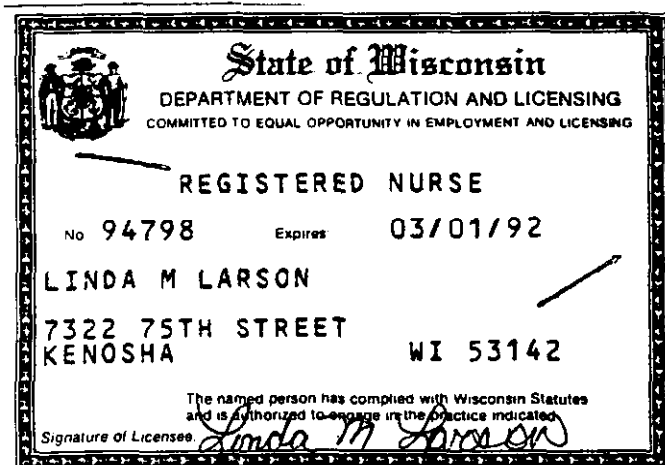
8. The Division of Enforcement joins Ms. Larson in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Linda M. Larson, RN
Linda M. Larson, R.N.

05-05-92
Date

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

5.8.92
Date



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.