

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

EDWARD JASON BILLYARD, R.N.,  
RESPONDENT

:  
:  
:  
:  
:

FINAL DECISION AND ORDER  
93 NUR 047

ORDER 0001866

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

Edward Jason Billyard  
4803 North 52nd Street  
Milwaukee, WI 53216

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. Edward Jason Billyard (D.O.B. 07/04/61) is duly licensed in the state of Wisconsin to practice as a registered nurse (license #107526). This license was first granted on September 5, 1991.

2. Mr. Billyard's latest address on file with the Department of Regulation and Licensing is 4803 North 52nd Street, Milwaukee, WI 53216.

3. On or about March 18, 1993, Mr. Billyard diverted at least seven (7) tablets of Percocet™, a controlled substance, for his personal use from patient supplies at Mr. Billyard's place of employment. Mr. Billyard was working at this time as a registered nurse at Milwaukee County Medical Complex, 8700 West Wisconsin Avenue, Milwaukee, Wisconsin.

4. On or about June 2, 1993, Mr. Billyard was convicted of on a plea of guilty to one count of theft [943.20(1)(a), Wis. Stats.] relating to the

diversion of Percocet™ referred to in ¶3, above. A true and correct copy of the Judgment of Conviction is attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Final Decision and Order.

5. Mr. Billyard consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow him the opportunity to continue his nursing career, in light of the facts and circumstances of this case.

#### CONCLUSIONS OF LAW

Edward Jason Billyard is subject to disciplinary action against his license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §§N7.03(2) and N7.04(1), (2) and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Edward Jason Billyard to practice as a nurse in the state of Wisconsin (#107526) shall be SUSPENDED for an INDEFINITE PERIOD of time.

IT IS FURTHER ORDERED that

(a) Mr. Billyard may petition the Board at any time for a stay of the suspension of his licensure. In conjunction with a petition by Mr. Billyard, the Board shall require documentation of Mr. Billyard's rehabilitation, such as: 1) documentation of continuous abstinence from the consumption of alcohol and controlled substances [unless prescribed for a legitimate medical purpose] by Mr. Billyard for a period of at least sixty (60) days prior to submission of the petition; 2) documentation of full participation in a program for the treatment of chemical dependency for a period of at least sixty (60) days prior to submission of the petition; and 3) submission of a current psychological assessment from a mental health care provider acceptable to the Board certifying that Mr. Billyard is mentally fit to safely practice as a nurse. The assessment shall specifically address the need, if any, for Mr. Billyard to obtain treatment in the areas of anger management and/or impulse control. To be considered current, the assessment shall occur within thirty (30) days from the date of its submission.

Denial in whole or in part of a petition under this paragraph 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.

(b) Upon its determination that Edward Jason Billyard 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 conditions and limitations outlined in ¶ c, below.

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

ii. If the Board denies a petition by Mr. Billyard 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. Mr. Billyard may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the conditions and/or limitations in effect against his license.

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

(c) CONDITIONS OF STAY

i. Mr. Billyard shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. Mr. Billyard shall maintain successful participation in his treatment program as a condition of continued licensure. As a part of treatment, Mr. Billyard must attend therapy on a schedule as recommended by his therapist; attendance, however, shall be required at least four (4) times per month. In addition, Mr. Billyard must attend Alcoholics Anonymous, Narcotics Anonymous or other group therapy acceptable to the Board at least one (1) time per week.

ii. If the mental health assessment referred to in ¶ (a) above reveals a need for continued mental health treatment, Mr. Billyard shall maintain successful participation in a program of treatment acceptable to the Board.

iii. Upon request of the Board, Mr. Billyard shall provide the Board with current releases complying with state and federal laws, authorizing release of his counseling, treatment and monitoring records, and employment records.

iv. Mr. Billyard shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

v. Mr. Billyard must participate in a program of random witnessed monitoring for controlled substances, alcohol and (if applicable) prescribed psychotropic medications in his blood and/or urine on a frequency of not less than four (4) times per month. The Board or its designated agent may alter this frequency in conjunction with the granting of a petition for a stay of suspension. If the physician or therapist supervising his plan of care or his employer deems that additional blood or urine screens are warranted, Mr. Billyard shall submit to such additional screens.

Mr. Billyard 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 Wisconsin Board of Nursing upon such failures to participate as: if Mr. Billyard fails to appear upon request; or if a drug or alcohol screen proves positive; or if Mr. Billyard refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Mr. Billyard understands and agrees that the accuracy of the monitoring obtained is his responsibility. For the purposes of further actions affecting Mr. Billyard's license, it shall be presumed that all confirmed positive reports are valid. Mr. Billyard shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Mr. Billyard shall refrain from access to or the administration of controlled substances in his work setting until such time as access or administration is approved by the Board.

vi. Mr. Billyard shall provide his nursing employer and any prospective nursing employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which a stay of suspension is in effect. In addition, Mr. Billyard shall provide his employer with a copy of any order granting an extension of stay under this Order within five (5) days of Mr. Billyard's receipt of an order granting a stay.

Mr. Billyard shall immediately provide his employer with a copy of any denial of an extension of stay under this Order.

vii. Mr. Billyard shall arrange for quarterly reports to the nursing Examining Board from his employer evaluating his work performance; from the monitoring facility providing the dates and results of the screenings performed; and from his treatment provider(s) evaluating Mr. Billyard's attendance and progress in therapy as well as evaluating his level of participation at NA/AA meetings.

viii. Mr. Billyard 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.

(d) 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 Mr. Billyard's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any

of the terms of this Order.

(e) This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

Jacqueline Johnson RNMS

A Member of the Board

Date

11-5-93

State of Wisconsin, Plaintiff -vs- <u>Edward J. Billyard</u> , Defendant <u>7-4-61</u> Defendant's Date of Birth	TYPE OF CONVICTION (Select One) <input type="checkbox"/> Sentence to Wisconsin State Prisons <input type="checkbox"/> Sentence Withheld, Probation Ordered <input checked="" type="checkbox"/> Sentence Imposed & Stayed, Probation Ordered  COURT CASE NUMBER <u>F 931043</u>
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The defendant entered plea(s) of: ☒ Guilty ☐ Not Guilty ☐ No Contest

The ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR IF OR M	CLASS (A-E)	DATE(S) CRIME COMMITTED
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Theft

943.20 (1)(a) M

3-18-93

Amended from Poss. of Cont. Sub - Oxycodone

IT IS ADJUDGED that the defendant is convicted on 6-2-93 as found guilty, and:

<input type="checkbox"/>	on _____	is sentenced to prison for _____
<input type="checkbox"/>	on _____	is sentenced to intensive sanctions for _____
<input checked="" type="checkbox"/>	on <u>6-2-93</u>	is sentenced to <del>county jail</del> HOC for <u>60 days imposed + stayed</u>
<input checked="" type="checkbox"/>	on <u>6-2-93</u>	is placed on probation for <u>18 months</u>

#### CONDITIONS OF SENTENCE/PROBATION

Obligations (Total amounts only)	\$	
Fine	\$	<u>40</u>
Court Costs and Assessments	\$	
Includes service fees; witness fees; restitution surcharge; domestic abuse fees; subpoena fees; automation fees)		
Attorney fees	\$	
Restitution	\$	
Other	\$	
Mandatory victim/witness surcharge(s)		
felony _____ counts	\$	
misdemeanor <u>1</u> counts	\$	<u>30</u>

Jail: To be incarcerated

EXHIBIT A

Confinement Order for \_\_\_\_\_ ce  
only - length of term: \_\_\_\_\_

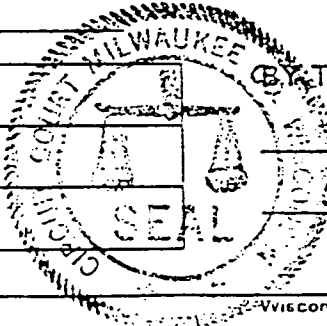
Miscellaneous

- Cooperate with PDA  
treatment as recommended.

IT IS ADJUDGED that 0 days sentence credit are due pursuant to s.973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of \_\_\_\_\_

NAME OF JUDGE <u>John A. Franke</u>
DISTRICT ATTORNEY <u>She Sommer</u>
DEFENSE ATTORNEY <u>Mitchell Barrock</u>



BY THE COURT:

Sandy Bert

Circuit Court Judge/Clerk/Deputy C  
6-2-93

Date Sig

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
EDWARD JASON BILLYARD, R.N.,	:	93 NUR 047
RESPONDENT	:	

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It is hereby stipulated between Edward Jason Billyard, personally on his 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 Mr. Billyard's licensure by the Division of Enforcement (93 NUR 047). Mr. Billyard consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Billyard understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Billyard is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Mr. Billyard 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 Edward Jason Billyard. If the Board accepts the Stipulation, Mr. Billyard's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the



license of Mr. Billyard shall be returned to him 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 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 Mr. Billyard in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Edward J. Billyard RN  
Edward Jason Billyard, R.N.

10-18-93  
Date

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

10.21.93  
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 November 9, 1993.**



PDF: DE00000001549-19931105

Order Dates:

NOV 05, 1993

Respondent Names:

BILLYARD, EDWARD J., RN

Complaint IDs:

93NUR047

Profession:

REGISTERED NURSE

Boards:

NUR

Short Description:

SUSPENDED INDEFINITELY. MAY PETITION FOR STAY.

Case Summary:

DIVERTED CONTROLLED SUBSTANCE FOR HIS PERSONAL USE FROM PATIENT  
SUPPLIES AT PLACE OF EMPLOYMENT. CONVICTED OF OF A PLEA OF  
GUILTY TO ONE COUNT OF THEFT RELATING TO DIVERSION.

