

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

FILE COPY

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

RITA A. GRAY,  
RESPONDENT :

FINAL DECISION AND ORDER  
97 NUR 005

LS 9803181 NUR

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Rita A. Gray  
15000 W. Cleveland Ave.  
New Berlin, WI 53151

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. Rita A. Gray (D.O.B. 01/26/63) is duly licensed in the state of Wisconsin as a registered nurse (license #106497). This license was first granted on March 21, 1991.
2. Ms. Gray's latest address on file with the Department of Regulation and Licensing 15000 W. Cleveland Ave., New Berlin, WI 53151.
3. On or about November 4, 1994, Ms. Gray was found guilty on a plea of guilty to violation of secs. 161.14(4)(t), 161.01(14), 161.41(3r) and 939.05, Stats. (possession of a controlled substance; party to a crime). True and correct copies of the criminal complaint and judgment of conviction in this matter are attached to this Order as Exhibit A. Exhibit A accurately reflects the

facts and circumstances surrounding Ms. Gray's conviction, and the Exhibit is incorporated by reference into this Order.

4. In resolution of this matter, Ms. Gray consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow her an opportunity to continue her nursing career, in light of the facts and circumstances of this case.

#### CONCLUSIONS OF LAW

By the conduct described above, Rita A. Gray is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to sec. 441.07(1), Stats., and Wisconsin Administrative Code § N7.04(1), (2) and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Rita A. Gray (license #106497) shall be LIMITED as follows:

1. Respondent shall REFRAIN from the practice of nursing in the state of Wisconsin until Respondent submits a current chemical dependency assessment from a health care provider acceptable to the Board attesting to Respondent's ability to safely and competently return to nursing practice. To be considered current, the assessment shall occur within thirty (30) days from the date of its submission.
2. If the assessment referred to above reveals a need for continued treatment, Respondent shall continue successful participation in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board. As a part of treatment, Respondent must attend therapy on a schedule as recommended by her supervising health care provider; attendance however, shall be required at least four (4) times per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous or another self-help group acceptable to the Board at least one (1) time per week.
3. Respondent shall remain free of prescription drugs and controlled substances not prescribed for valid medical purposes.
4. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or create false positive screening results, or which may interfere with Respondent's treatment and rehabilitation
5. If the assessment referred to above reveals a history of chemical abuse or dependency, the Board of Nursing reserves the right to require drug screens as a continuing condition of licensure sufficient to monitor Respondent for the presence in her blood, hair or urine of tetrahydrocannabinols (and their derivatives) or other controlled substances. The board may establish a minimum schedule of testing for these substances. Testing shall be performed and results reported in a manner consistent with current monitoring requirements of the Board.

6. Respondent shall inform the Board of Nursing within 15 days of any change of address or residence.

#### **Department monitor**

7. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-7139

#### **Releases**

8. Respondent shall provide and keep on file with all applicable treatment facilities and personnel, laboratories, and collections sites current releases which comply with state and federal laws authorizing release of all of Respondent's urine, blood and hair specimen screen results and her medical and treatment records and reports. In addition, these releases shall (if applicable) permit her treating physicians and therapists to disclose and discuss the progress of her treatment and rehabilitation with the Board of Nursing or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board of Nursing. Copies of these releases shall be filed simultaneously with the Department Monitor.

#### **Facility approval**

9. If the Board of Nursing determines that the supervising health care provider, treatment facility, monitoring facility, laboratory or collection sites have failed to satisfy the terms and conditions of this Final Decision and Order, the Board may, at its sole discretion, direct that Respondent continue her treatment and rehabilitation program under the direction of another supervising health care provider, treatment facility, laboratory or collection site which will conform to the terms and conditions of this Final Decision and Order.

## SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

10. Respondent shall provide any current or prospective Wisconsin nursing employers with a copy of this Final Decision and Order immediately upon its issuance and upon any change of employment during the time in which the Order remains in effect.
11. For nursing work in Wisconsin, Respondent shall arrange for quarterly reports from her supervisor(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a schedule as directed by the Department Monitor. An employer shall report **immediately** to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-7139] any violation or suspected violation of the Board of Nursing's Final Decision and Order.
12. Respondent shall report to the Board any change in employment status relative to nursing work in Wisconsin within five (15) days of any such change.

## PETITIONS FOR MODIFICATION OF TERMS

13. After one (1) year of nursing practice in the state of Wisconsin with full and continuous compliance with the terms of this Order, Respondent may petition the Board to revise or eliminate any of the above conditions. 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 secs. 227.01(3) and 227.42, Stats.

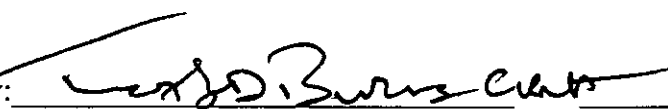
## SUMMARY SUSPENSION

14. 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 Respondent'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 or other additional discipline for a violation of any of the terms of this Order.

## 15. EFFECTIVE DATE OF ORDER

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

BOARD OF NURSING

By:  9 July '98  
On behalf of the Board Date

STATE OF WISCONSIN

CIRCUIT COURT  
CRIMINAL DIVISION

MILWAUKEE COUNTY

Page 1

STATE OF WISCONSIN, Plaintiff(s)

vs

WILLIAM ANTHONY DOOLIN 020662  
1322 South 72nd Street  
West Allis, WI 53214

RITA ANN GRAY 012663  
1322 South 72nd Street  
West Allis, WI 53214

Defendant(s)

CRIMINAL COMPLAINT

CRIMINAL VIOLATION(S)

Possession of Controlled Substance  
(Marijuana), Party to a Crime;  
Possession of Controlled Substance  
(Marijuana), Party to a Crime,  
Second or Subsequent Offense

STATUTE(S) OR ORDINANCE(S) VIOLATED

161.14(4)(t), 161.01(14),  
161.41(3r), 939.05, 161.48

COMPLAINING WITNESS

CASE NUMBER

F-944017

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN

COUNT 01 (as to defendant Doolin only): POSSESSION OF CONTROLLED SUBSTANCE TETRAHYDROCANNABINOL (MARIJUANA), PARTY TO A CRIME, SECOND OR SUBSEQUENT OFFENSE

On March 15, 1994, at 1322 South 72nd Street, City of Milwaukee, as a party to a crime, having been previously convicted of an offense under Chapter 161 of the Wisconsin Statutes, did knowingly and unlawfully possess a controlled substance, to wit: Tetrahydrocannabinol (marijuana), contrary to Wisconsin Statutes sections 161.14(4)(t), 161.01(14), 161.41(3r), 939.05, and 161.48.

COUNT 02 (as to defendant Gray only): POSSESSION OF CONTROLLED SUBSTANCE TETRAHYDROCANNABINOL (MARIJUANA), PARTY TO A CRIME

On March 15, 1994, at 1322 South 72nd Street, City of Milwaukee, as a party to a crime, did knowingly and unlawfully possess a controlled substance, to wit: Tetrahydrocannabinol (marijuana), contrary to Wisconsin Statutes sections 161.14(4)(t), 161.01(14), 161.41(3r), and 939.05.

AS TO COUNT 01:

Upon conviction of this charge, the maximum possible penalty is a fine of not more than \$2,000 or imprisonment for not more than one year or both.

AS TO COUNT 02:

Upon conviction of this charge, a Misdemeanor, the maximum possible penalty is a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.

ALSO AS TO BOTH COUNTS:

Upon conviction of one of these offenses, the court shall suspend or revoke the defendant's operating privilege for not less than 6 months nor more than 5 years pursuant to section 161.50(1), Stats. If the court suspends the defendant's operating privileges, the court shall impose a reinstatement assessment fee of \$50.00.

EXHIBIT A

WILLIAM ANTHONY DOOLIN - 020662, RITA ANN GRAY - 012663,

Complainant states that he is a City of West Allis Police Officer and bases his complaint upon the following information, beliefs and observations:

Complainant states that on March 15, 1994 he was involved in the execution of a search warrant at the residence at 1322 South 72nd Street in the City of West Allis, Milwaukee County, Wisconsin; that no one was home at the time of the execution of search warrant, but that there was identification found of two individuals, namely defendant Gray and defendant Doolin; complainant states that found in the kitchen of the residence next to the refrigerator in a built in storage cabinet were three shelves with three drawers; that in the middle drawer was a gallon size plastic ziplock baggie containing a greenish brown plant like material suspected to be marijuana; your complainant states that he is trained and experienced in the administration of the Duquenois-Levine Field Test, a field test used to determine the presence of tetrahydrocannabinols and active ingredient in marijuana and that he performed this on the suspected marijuana found in the kitchen and the test proved positive for the presence of tetrahydrocannabinols (marijuana); your complainant states that found in the northwest corner of the basement of this residence in a room that was approximately 10' x 7' was a disassembled "grow" room; your complainant states that this is a reference to a room utilized to grow marijuana plants; your complainant states that this room contained numerous items; your complainant states that the room contained 7 plants suspected to be marijuana plant; your complainant states he performed the Duquenois-Levine Field Test on the samples of these plants and the tests proved positive for the presence of marijuana; your complainant further states that the room had a black plastic hanging on the walls and also an exhaust system when you entered the room to the south side of the house; complainant states that the room had 6 plant pots containing soil and marijuana stems and 4 pots with soil and marijuana stems sitting outside the room; your complainant further states that this area had a table with a grow lamp with ballast; further found was a Philips 1000 watt high intensity light bulb, a chain timer and a baby's first calendar containing the name Michael Gray with a signature of Rita A. Gray.

Complainant further states that found in the dining room along the north wall was a postal scale and plastic sandwich baggie containing suspected marijuana residue; your complainant states that he performed the Duquenois-Levine Field Test on the suspected marijuana and tests were positive for the presence of tetrahydrocannabinols (marijuana).

Complainant states that recovered from the northwest bedroom on top of the television, which was sitting on a dresser, was a small amount of green plant like materials suspected to be marijuana which complainant tested with the administration of the Duquenois-Levine Field Test and tests were positive for the presence of tetrahydrocannabinols; your complainant states that found next to this television was some identification for a Rita Gray which was on the dresser; your complainant further states that found in the same bedroom in a walk-in closet was a dresser which contained men's clothing and inside there were two gallon ziplock freezer bags each containing noticeable amounts of suspected marijuana which complainant tested through the administration of the Duquenois-Levin Field Test and which test proved positive for the presence of tetrahydrocannabinols (marijuana); your complainant states that on this dresser that had the men's clothing in and the marijuana in was

WILLIAM ANTHONY DOOLIN - 020662, RITA ANN GRAY - 012663,

identification of the defendant Doolin together with a postal scale, a marijuana pipe and a package of zig zag cigarette papers and a quart size freezer bag containing another amount of suspected marijuana which complainant states he tested through the administration of the Duquenois-Levine Field Test, a field test which proved positive for the presence of tetrahydrocannabinols (marijuana).

Complainant further reviewed a certified copy of a document from Milwaukee County Case entitled State of Wisconsin v. William A. Doolin, D.O.B. 2/6/62, Case No. F-891527 which reflects defendant was previously convicted of a violation of Chapter 161. Your complainant attached copies of these documents and incorporates same herein and by reference.

\*\*\*\*END OF COMPLAINT\*\*\*\*

SUBSCRIBED AND SWORN TO BEFORE ME  
AND APPROVED FOR FILING July 22, 1994

  
DEPUTY/ASST. DISTRICT ATTORNEY

  
COMPLAINING WITNESS

-- FELONY COMPLAINT --

JSTOI:ks

FILED  
CRIMINAL DIVISION  
94 OCT 17 AM 8:38  
CLERK OF CIRCUIT COURT  
WISCONSIN



STATE OF WISCONSIN,  vs  RITA A. GRAY		Plaintiff   Defendant	JUDGMENT OF CONVICTION SENTENCE TO CONFINEMENT  Case No. 94CF004017	
(Street Address) 1322 S 72ND STREET		JUDGMENT DUE: \$1040.00		
(City, State, Zip Code) WEST ALLIS, WI		SHERIFF FEE:		
DOB 01-26-63	SEX F	RACE W	EYES GRN	HAIR BRO
HEIGHT 503	WEIGHT 120	VEHICLE PLATE		STATE WI

Upon all the files, records, and proceedings, it is adjudged that the defendant has been convicted upon a plea of:

☒ GUILTY

☐ NOT GUILTY AND VERDICT OF GUILTY

☐ NOT GUILTY AND A FINDING OF GUILTY

☐ NO CONTEST AND A FINDING OF GUILTY

on NOVEMBER 4, 1994 of the crime(s) of POSSESSION OF A CONTROLLED SUBSTANCE, PARTY TO A CRIME in violation of §161.14(4)(t), 161.01(14), 161.41(3r), 939.05 committed on MARCH 15, 1994.

IT IS ADJUDGED that the defendant is Guilty as convicted.

IT IS FURTHER ADJUDGED that the defendant pay the judgment as imposed.

FINE: \$500.00

COSTS: \$50.00

PENALTY ASSESSMENT: \$110.00

DRUG ABUSE SURCHARGE: \$305.00

V/W SURCHARGE: \$70.00

COMMITMENT: \$5.00

CREDIT (-): \$450.00

BALANCE DUE: \$590.00

and to be committed to the HOUSE OF CORRECTION OF MILWAUKEE COUNTY until said judgment is paid or discharged, but such imprisonment shall not exceed in all 20 day(s). The Court has allowed defendant until 8/1/96 to pay JUDGMENT DUE.

JUDGMENT NOT PAID, COMMITMENT ISSUED.

IT IS ORDERED that the clerk deliver a Duplicate Original of this Judgment to the Sheriff who shall forthwith execute the same (and deliver it to the Superintendent).

DATED: SEPTEMBER 25, 1996

BY THE COURT:

*Gary J. Barczak*

GARY J. BARCZAK

Clerk of Circuit Court/Director of Court Services

*Sandra Richter*

BY:

Assistant Chief Deputy Clerk of Courts

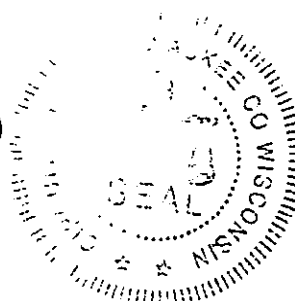
~~Criminal Misdemeanor/Traffic Divisions~~ or Deputy Clerk I

JUDGE: JEFFREY A. KREMERS

DEFENSE ATTORNEY: MICHAEL JACKLIN

DISTRICT ATTORNEY: E. MICHAEL MCCANN

(SEAL)



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

RITA A. GRAY, :  
RESPONDENT :

STIPULATION  
97 NUR 005

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It is hereby stipulated between Rita A. Gray, personally on her own behalf and by her attorney Patrick Brennan; and Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of the disciplinary proceedings pending against Ms. Gray's Wisconsin license to practice as a registered nurse. The parties agree that this stipulation and Order shall be presented directly to the Board of Nursing in final resolution of this matter.

2. Ms. Gray 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, the Wisconsin Administrative Code, and the Americans with Disabilities Act of 1990.

3. Ms. Gray is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

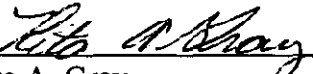
4. Ms. Gray agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any 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.

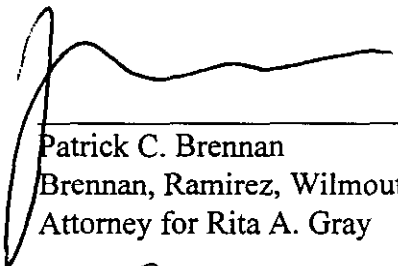
6. Attached to this Stipulation is the current licensure card of Rita A. Gray. If the Board accepts the Stipulation, Ms. Gray's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Ms. Gray 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 the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board 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.

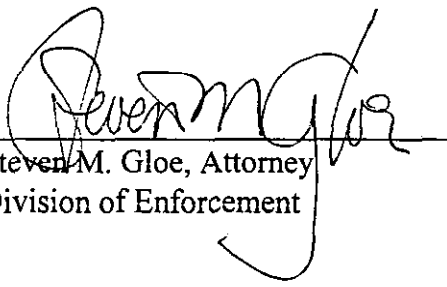
8. The Division of Enforcement joins Ms. Gray in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Rita A. Gray

6/11/98  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Patrick C. Brennan  
Brennan, Ramirez, Wilmouth & Sesini  
Attorney for Rita A. Gray

6/11/98  
\_\_\_\_\_  
Date

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

6.15.98  
\_\_\_\_\_  
Date

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BOARD OF NURSING

---

In the Matter of the Disciplinary Proceedings Against

Rita A. Gray,

AFFIDAVIT OF MAILING

Respondent.

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STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On July 14, 1998, I served the Final Decision and Order dated July 9, 1998, LS9803181NUR, upon the Respondent Rita A. Gray's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is Z 233 819 555.

Patrick C. Brennan, Attorney  
324 E. Wisconsin Avenue, Suite 1010  
Milwaukee WI 53202

  
\_\_\_\_\_  
Kate Rotenberg

Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 15<sup>th</sup> day of July, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: PATRICK C BRENNAN ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 7/14/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935