

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	<b>FINAL DECISION AND ORDER</b>
	:	
JENNIFER L. HASE, R.N.,	:	LS0305092NUR
RESPONDENT.	:	02 NUR 170

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

Jennifer L. Hase RN  
S41 W32633 Spring Ridge Ln.  
Waukesha, WI 53189

Wisconsin 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. Jennifer Lynn Hase (dob: 10/12/67) is and was at all times relevant to the facts set forth herein a registered nurse licensed in the State of Wisconsin pursuant to license #115592. This license was first granted 3/25/94.
2. On 7/6/02, and while employed as a registered nurse at the Woodland Health Care Center,

respondent diverted some 50 pills containing hydrocodone, a Schedule III controlled substance, from the supply of a recently deceased patient.

3. Following an evaluation at Addiction Resource Council, Inc., respondent was diagnosed with irresponsible use of drugs, but was not diagnosed with any dependency.

4. Respondent is currently charged criminally with misdemeanor theft and misdemeanor possession of a prescription drug in connection with this incident; if she is convicted the Board will not discipline her further unless substantial new facts come to the Board's attention.

#### CONCLUSIONS OF LAW

A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to §441.07(1)(b)(c) and(d) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 2 through 5, above, violated § N 7.04(1), (2) and (15) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that effective on the date of this Order, the license of Jennifer L. Hase to practice as a registered nurse in the state of Wisconsin is SUSPENDED for an INDEFINITE period .

The suspension is hereby STAYED for a period of three months, conditioned upon compliance with the conditions and limitations outlined below.

a. Respondent 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 on the respondent for rehabilitation and practice during the prior three (3) month period.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.

c. Upon a showing by respondent of continuous, successful compliance for a period of at least two years of active practice with the terms of this order and compliance with all other terms of this Order, the Board may grant a petition by the Respondent for return of full licensure. (See below.)

IT IS FURTHER ORDERED, that the license to practice of respondent shall be LIMITED as follows:

## **REHABILITATION AND MONITORING**

### **Education**

1. Respondent shall, within six months of the date of this order, attend a minimum 4-hour course in the legal and ethical issues of handling narcotics, including the proper disposal of controlled substances, the importance of recordkeeping and the possible impact of theft or misappropriation of controlled substances on nursing licensure. The proposed course shall be pre-approved by the Board or its designee: respondent shall submit the name, location, and all other available information about the proposed course to the Department Monitor for such pre-approval.

### **Sobriety**

2. Respondent shall abstain from all personal use of controlled substances as defined in §961.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Provider.
3. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances, or which may create false positive screening results.

### **Department Monitor**

4. 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 Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-3817

### **Releases**

5. Respondent shall provide and keep on file with the Department Monitor current releases which comply with state and federal laws authorizing release of all urine, blood and hair specimen screen results and medical and treatment records and reports to, and permitting the all treating physicians and therapists to disclose and discuss respondent's test results, and any other health information which may bear upon her fitness to practice, with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board.

### **Drug and Alcohol Screens**

6. Within thirty (30) days from the date of the signing of this Order, respondent shall enroll and begin participation in a drug monitoring program which is approved by the department pursuant to Wis. Adm. Code § RL 7.11, ("Approved Program").
- a. The Department Monitor, Board or Board designee shall provide respondent with a list of Approved Programs, however, respondent is solely responsible for timely enrollment in any such Approved Program.
  - b. Unless otherwise ordered by the Board, the Approved Program shall require the testing of urine specimens at a frequency of not less than 14 times per year.
  - c. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the urine specimens.
  - d. Respondent shall comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program, including but not limited to;
    - (i.) contact with the Approved Program as directed on a daily basis, including weekends and holidays, and;
    - (ii.) production of a urine specimen at a collection site designated by the Approved Program within five(5) hours of notification of a test.
  - e. The Board in its discretion without a hearing and without further notice to respondent may modify this Order to require the submission of hair or breath specimens or that any urine or hair specimen be furnished in a directly witnessed manner.
  - f. All expenses of enrollment and participation in the Approved Program shall be borne by respondent. Respondent shall keep any account for such payments current in all respects.
  - g. For purposes of further Board action under this Order it is rebuttably presumed that all confirmed positive test results are valid. Respondent has the burden of proof to establish by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody which causes an invalid confirmed positive test result.
7. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol respondent shall promptly submit to additional tests or examinations as the Approved Program or Department Monitor shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

**Required Reporting by Supervising Health Care Provider, and laboratories**

8. The Approved Program shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of respondent to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate respondent to request a specimen. The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the Department Monitor.
9. The laboratory shall within 48 hours of completion of each drug or alcohol analysis mail the report from **all** specimens requested of respondent under this Order to the Department Monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.

### **Required reporting by Respondent**

10. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the Approved Program to conform to the terms and conditions of this Order.

### **Facility approval**

11. If the Board determines that the Approved Program has failed to satisfy the terms and conditions of this Final Decision and Order, the Board may, at its sole discretion, direct that Respondent continue monitoring under the direction of another program which will conform to the terms and conditions of this Final Decision and Order.

### **PETITIONS FOR MODIFICATION OF TERMS**

12. After two years of continuous active professional practice under this Order and without violation of any of its terms or commission of any other unprofessional conduct, respondent may petition the Board for a termination of all limitations on the license, and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for termination of the limitations and restoration of unlimited licensure.

### **EXPENSES OF COMPLIANCE AND MONITORING**

13. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.

### **PRACTICE LIMITATIONS**

#### **Controlled Substance Access**

14. Respondent is not restricted from access to or administration of controlled substances in her work setting at this time. However, the Board may Order such restrictions for cause, and Respondent agrees to comply .
15. Respondent shall practice only under the general supervision of a licensed professional nurse or other licensed health care professional approved by the Board or in a work setting pre-approved by the Board or its designated agent. Such settings shall not include any independent practice sites, home health or hospice, or agency or pool nursing.

### **Reporting Required**

16. Respondent shall arrange for her employer to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance.

**Change in Address or Work Status**

17. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
18. Respondent shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when respondent applies for employment as a health care provider.

IT IS FURTHER ORDERED: that respondent shall pay partial costs of \$200, within 60 days of this Order.

**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 a stay of suspension of the license or impose additional conditions and limitations or other discipline.**

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

WISCONSIN BOARD OF NURSING

By: Linda Sanner

5-9-03

Board Chair

Date