

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
JENNIFER L. HASE, R.N., :
RESPONDENT. :

**AMENDED FINAL
DECISION AND ORDER**
LS0305092NUR

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 to amend the Final Decision and Order in the matter, dated May 5, 2003, 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 to amend the Final Decision and Order 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 a minimum period of FIVE (5) years.

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. After five 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. The Board may grant a petition by the Respondent for return of full licensure. (See paragraph 12.)

d. All required reports shall be due on the 20th day of the month preceding the _____ month in which the Board will consider the request for an extension, and each three _____ months thereafter, for the period that this Order remains in effect.

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

REHABILITATION AND MONITORING

Sobriety

1. 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 physician or therapist.
2. 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

3. 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

4. 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

5. 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 56 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.

6. 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 laboratories

- 7. 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.
- 8. 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

- 9. 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

- 10. 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

- 11. After five 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.

(a) After one year 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 modification of any of the terms or conditions of this Order or limitations on the license. Such modifications shall be in the sole discretion of the Board, and denial of a petition to modify this Order 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 modification of the terms or conditions of this Order, or limitations on the license.

EXPENSES OF COMPLIANCE AND MONITORING

- 12. 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

13. Respondent shall refrain from access to or the administration of controlled substance in her work setting until such time as access or administration is approved by the Board.
14. 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.

Employer Reporting Required

15. 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

16. 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.
17. 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.

Treatment Required

18. Respondent shall enroll and continue successful participation in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board as respondent's supervising physician or therapist shall determine to be appropriate for respondent's rehabilitation. Respondent shall commence involvement in the drug and alcohol rehabilitation program within 5 days of the date of the Final Decision and Order of the Board.

Therapy. The rehabilitation program shall include and respondent shall participate in individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. Such therapy shall include counseling for the respondent's pre-existing cancer diagnosis. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under §§ 227.01(3) or 227.42, Wis. Stats., or ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

AA/NA Meetings. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the supervising physician or therapist, but no less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist, by the submission of signed attendance cards to the supervising physician or therapist directly from the organizer of such meetings.

Quarterly Reports. Respondent shall arrange for quarterly reports from her supervising physician or therapist to be submitted directly to the Board evaluating and reporting:

- (a) A summary of Respondent's progress in her rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,
- (b) Respondent's attendance in NA/AA meetings,
- (c) Respondent's participation in and results of her random witnessed breath, urine and/or blood screening program.
- (d) All required reports shall be due on the 20th day of the month preceding the month in which the Board will consider the request for an extension of the stay of suspension, and each three months thereafter, for the period that this Order remains in effect.

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: Jacqueline Johnsrud
Board Chair

3-4-04
Date