

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	LS0411042NUR
JAMES A. HEFTER, R.N.,	:	
RESPONDENT.	:	

FINAL DECISION AND ORDER

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

James A. Hefter, R.N.
580 Lake Street
Fond du Lac, WI 54937

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 of Nursing. 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. James A. Hefter, R.N., Respondent, date of birth August 18, 1948, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 69914, which was first granted March 30, 1978.
2. Respondent's last address reported to the Department of Regulation and Licensing is 580 Lake Street, Fond du Lac, WI 54937.
3. Respondent was convicted of Operating While Intoxicated (OWI) on October 20, 1999 and again on December 5, 2000. Following his second OWI conviction on December 5, 2000, Respondent's driver's license was revoked for 12 months and he was sentenced to 5 days in jail.
4. Respondent was employed as a registered nurse on the acute psychiatric inpatient unit at the Fond du Lac County Department of Community Programs (FDL Co) in Fond du Lac, Wisconsin:
 - a. On August 4, 2001, Respondent reported for his scheduled shift at 7:15 p.m. while under the influence of alcohol to an extent that his ability to safely and reliably practice was impaired.
 - b. The results of a blood test taken at that time showed Respondent's blood alcohol level to be .15%.
5. On August 15, 2001, Respondent completed an AODA assessment at Associated Counseling & Recovery Center in Fond du Lac, which resulted in a diagnosis of alcohol dependence with a recommendation for therapy.

6. On January 17, 2002, Respondent completed an application for participation in the Department of Regulation and Licensing Impaired Professionals Procedure (IPP), a non-disciplinary monitoring program that may be offered to credential holders with alcohol and/or drug issues, which allows participants to obtain treatment and ongoing aftercare while returning to safe practice.

7. On May 1, 2002, Respondent signed an "Agreement for Participation" in IPP, consenting to abide by various conditions set out in the contract, which included:

- a. The conditions related to rehabilitation, monitoring, treatment and practice.
- b. Respondent agreed to submit to random, monitored alcohol and drug screens on the basis of not more than 60 time(s) per year.
- c. Respondent agreed to be abstinent of alcohol, controlled substances and prescription drugs not prescribed for a valid medical purpose.
- d. Respondent agreed to have his physician provide a written report to IPP within 3 days of prescribing any medication for a valid medical purpose.

8. While in IPP, Respondent provided random urine screens, some of which tested positive for benzodiazepines and ethanol. On April 7, 2003, the IPP Coordinator wrote to Respondent and asked him to provide an explanation for the positive screens and why he believed he should remain in IPP.

9. Respondent submitted an explanation which the IPP Advisor did not find convincing. On May 13, 2003, the IPP Coordinator informed Respondent that any further positive screens not specifically supported by a prescription, or other noncompliance, would seriously threaten his continuation in IPP.

10. Urine screens provided on May 2 and July 8, 2002 tested positive for lorazepam, a controlled substance. No supporting information was sent by Respondent's physician.

11. On August 11, 2003, the IPP Coordinator informed Respondent that the Board had dismissed him from IPP based on substantial violations of his "Agreement for Participation."

12. On May 7, 2003, prior to his dismissal from IPP, Respondent was arrested for a third OWI. Respondent was convicted of that charge on September 29, 2003 and as a result, his driver's license was revoked for 32 months and he was sentenced to 75 days in jail.

13. On August 24, 2004, Respondent was scheduled to work the 11:15 p.m.–7:15 a.m. shift at FDL Co:

- a. Respondent arrived late for his shift, smelling of alcohol and behaving strangely.
- b. Because of his condition, Respondent was unable to provide necessary nursing services to a patient who was going through alcohol withdrawal.
- c. A physician who was present reported that Respondent was intoxicated.
- d. Respondent agreed to a blood test which was requested by a supervisor and the results showed his blood alcohol level to be .17%.
- e. Respondent was under the influence of alcohol to an extent that his ability to safely and reliably practice was impaired.
- f. As a result of these events, Respondent was terminated from his employment at FDL Co.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stats. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, has abused alcohol to an extent that such use impairs his ability to safely or reliably practice, as defined by Wis. Adm. Code § N 7.03(2), which subjects Respondent to discipline pursuant to Wis. Stats. § 441.07(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by James A. Hefter R.N., Respondent, of his license as a registered nurse in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$385.00 pursuant to Wis. Stats. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

Dated at Madison, Wisconsin this 4th day of November, 2004.

Jacqueline A. Johnsrud, R.N.
Chairperson
Board of Nursing