

# 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

LS9911055NUR

MARDELE L. MOORE, R.N.,

Respondent

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ORDER

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On November 5, 1999, the Board of Nursing issued its Final Decision and Order in the captioned matter, by which the board accepted the voluntary surrender of Mardele L. Moore's license. On September 5, 2003, the board considered Ms. Moore's petition for reinstatement of her license, and she appeared before the board on that date in support of her petition. Based upon all information of record herein, the Board of Nursing agrees to issue, and Ms. Moore agrees to accept, a limited license to practice as a professional nurse in Wisconsin, imposing the following terms and conditions.

NOW, THEREFORE, IT IS ORDERED THAT Mardele Moore, RN, is hereby issued a limited license imposing the following terms and conditions.

1. The license is SUSPENDED, with an initial stay of suspension for three months from the date of the signing of this Order. 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.
2. The Board may without hearing deny an application for an extension of the stay of suspension of the license, or commence other appropriate action, upon receipt of information that respondent has violated any of the terms or conditions of the board's Order. If the Board denies the petition by the respondent for an extension of the stay of suspension, 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.
3. Upon a showing by respondent of continuous, successful compliance for a period of at least two years of active practice with the terms of the order and compliance with all other terms of the Order, the Board may grant a petition by the Respondent for return of full licensure.
4. Respondent shall participate in individual and/or group therapy sessions for the first year of the license upon a schedule as recommended by the supervising physician or therapist, but not less than twice per month. Such therapy shall be conducted by a therapist acceptable to the Board. 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 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
5. Respondent shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Provider.
6. Respondent shall abstain from all personal use of alcohol.
7. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, or which may create false positive screening results, or which may interfere with respondent's treatment and rehabilitation. Respondent shall report all medications and drugs, over-the-counter or prescription, taken by respondent to the Supervising Health Care Provider within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Within 24 hours of a request by the Supervising Health Care Provider or the Board or its designee, Respondent shall provide releases which comply with state and federal laws authorizing release of all health care records by the person who prescribed, dispensed, administered or ordered this medication for respondent. These releases shall also authorize the Supervising Health Care Provider, the Board or its designee to discuss the Respondent's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Respondent's obligations as set forth in this Order.

8. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of the board's 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

9. Respondent shall provide and keep on file with the Supervising Health Care Provider, all treatment facilities and personnel, laboratories and collections sites 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 Supervising Health Care Provider and all treating physicians and therapists to disclose and discuss the progress of respondent's treatment and rehabilitation 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. Copies of these releases shall be filed simultaneously with the Department Monitor.

10. Within thirty (30) days from the date hereof, respondent shall enroll and begin participation in a drug and alcohol 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 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) hour 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 the 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.

11. 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 Supervising Health Care Provider shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

12. The Supervising Health Care Provider 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, and to the Supervising Health Care Provider.

13. The laboratory shall within 48 hours of completion of each drug or alcohol analysis mail the report from all specimens requested of Respondent under the 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.

14. Respondent is responsible for compliance with all of the terms and conditions of the 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 the Order, including any failures of the laboratory or collection sites to conform to the terms and conditions of the board's Order.

15. Respondent may petition the Board for modification of the terms of the limited license. Any such petition shall be accompanied by a written recommendation from respondent's Supervising therapist expressly supporting the specific modifications sought. 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 modification of the limited license.

16. After two years of continuous active professional practice under this Order and without relapse, 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.

17. Respondent shall practice only in a work setting pre-approved by the Board or its designated agent.

18. 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.

19. 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.

20. Respondent shall furnish a copy of the 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.

Violation of any of the terms of the board's 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 request for extension of the stay of suspension of the license or impose additional conditions and limitations or other discipline.

Dated this 20<sup>th</sup> day of January, 2004.

WISCONSIN BOARD OF NURSING

Jacqueline Johnsrud, RN  
Chair

Dated this 9<sup>th</sup> day of February, 2004.

Mardele Moore  
Applicant