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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
TONI L. SHELDON, R.N.,	:	LS0510251NUR
RESPONDENT.	:	03 NUR 187

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

Toni L. Sheldon
312 Pleasant St.
Clinton, WI 53525

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

PROCEDURAL HISTORY

A formal Complaint has been filed in this matter. 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. Toni L. Sheldon (dob: 2/26/63) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #139523. This license was first granted 8/29/01.
2. On 7/17/03, and while employed as a professional nurse at the Lakeland Health Care Center, Elkhorn, Wisconsin Respondent tested positive for the unprescribed controlled substances propoxyphene and tetrahydrocannabinol.
3. There is evidence that she diverted a hydrocodone product from a resident’s supply for her personal use, and substituted an acetaminophen product for the prescribed product; Respondent denies this and the Board finds it unnecessary to make a finding on this issue.
4. Following an evaluation at Lutheran Social Services, Beloit, Wisconsin, Respondent was found to not meet the diagnostic criteria for a substance abuse or dependency diagnosis at that time.
5. Respondent is currently engaged in nursing practice for Accura Home Health, Avalon, Wisconsin; she represents to the Board that in this position she does not ordinarily administer medication.

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 paragraph 2, above, violated § N 7.03(2) and 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 Toni L. Sheldon, LPN, is REPRIMANDED for her unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice of Toni L. Sheldon, LPN, shall be LIMITED as follows: Respondent shall, no later than 12/30/05, submit evidence that she has taken and successfully completed a four hour course in nursing ethics, and a four hour course in medication administration, with an emphasis on controlled substances. She shall obtain prior approval of these courses, through the Department Monitor, and shall permit the Department Monitor, Board designee, or other staff to speak directly with the course sponsor, faculty, or staff, upon request.

IT IS FURTHER ORDERED, that the license to practice of Toni L. Sheldon, LPN, shall be LIMITED as follows: effective the date of this Order:

Drug screening required

1. 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 list of Approved Programs is available from the Department Monitor.
2. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b.) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
3. The Approved Program shall require the testing of urine specimens at a frequency of not less than 20 times per year, for the first year of this Order. After the first year, the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
4. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
5. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.
6. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.
7. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.

Practice limitations

8. Respondent may work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. If Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.
9. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting, other than her current employment, without express approval of the Board. Approval of her current employment is expressly based on her representation that she does not normally administer medication in this position; if this changes then she must seek approval from the Board before continuing in that position.

10. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
11. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
12. 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.

Department Monitor

13. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin 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
department.monitor@drl.state.wi.us

Required Reporting by Respondent

14. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Petitions for Modification of Limitations or Termination of Order

15. Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. §227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

16. 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. Being dropped from a program for non-payment is a violation of this Order.

Costs of Proceeding

17. Respondent shall pay costs of \$750 to the Department of Regulation and Licensing, within 120 days of this Order. In the event Respondent fails to timely submit any payment of costs, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Additional Discipline

18. Violation of any of the terms of this Order may 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 impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this

Order.

Dated at Madison, Wisconsin this 8th day of December, 2005.

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