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IN THE MATTER OF
THE LICENSE OF

DONALD C. ROSS, R.N.,

ORDER GRANTING ONE-MONTH STAY
OF SUSPENSION

Petitioner.

LS 0501033NUR

TO: Donald C. Ross, R.N.
P.O. Box 140
Phillips, WI 54555

Stephen Willett, Attorney at Law
106 Beebe Street
P.O. Box 89
Phillips, WI 54555-0089

PROCEDURAL HISTORY

On July 20, 1989, the Wisconsin Board of Nursing issued a disciplinary order against the petitioner's registered nurse license for having been criminally convicted of misdemeanor sexual assault, which the Board found related to his being chemically dependent at that time. The petitioner's license was suspended for a period of two years and the suspension was stayed on the condition that the petitioner shall enter a treatment program and remain chemical-free. Petitioner's nursing license was restored without limitations on December 1, 1990.

On September 8, 2005, the Wisconsin Board of Nursing issued a disciplinary order, pursuant to the parties' stipulation, which reprimanded and limited the petitioner's registered nurse license for illicit use of marijuana, a Scheduled I Controlled Substance. The petitioner's illicit use was discovered through a pre-employment drug test administered in 2002 by a prospective nursing home employer. The petitioner was evaluated and diagnosed with current cannabis use and alcohol dependence in full remission. The Board of Nursing imposed limitations on the petitioner's license which included enrollment in a drug monitoring program and random urine screens at a frequency of not less than 14 times per year. The Board's order provided that the petitioner could request that the Board terminate the limitations and restore an unlimited license, provided that he had proof of one year of satisfactory continuous active professional practice without relapse. The order further provided that the petitioner's license could be suspended without further notice or hearing if petitioner failed to timely submit to a requested test or tests positive for an unprescribed controlled substance.

On September 22, 2006, the Board of Nursing entered an order suspending the petitioner's nursing license for violation of his order due to his failure on four separate occasions (2/4/2006, 6/18/2006, 8/11/2006, 9/3/2006) to comply with the call-in procedure for his random drug screens. In addition, the information of record showed that the petitioner had positive screens for morphine and alcohol. The Board further ordered that the petitioner submit a comprehensive AODA assessment prior to petitioning for reinstatement of his license and increased the frequency and form of the petitioner's urine screens.

On November 16, 2006, the Board of Nursing received an AODA assessment dated October 26, 2006, which, in part, stated:

The results of that evaluation indicate alcohol dependence in remission (last use was five days ago)" while maintaining sobriety, (sober two years ago) and cannabis abuse in remission, (last used three years ago).

He may with drinking 3 to 4 glasses of wine a day several times a week be "ticking the dragon's tail," but his imbibing is based on a strong experience, both educationally and realistically as to the dire consequences should he slip into the alcohol dependence trap.

The AODA evaluation also indicated that the petitioner's usage of alcohol has ranged from absolute sobriety and abstinence for a period of about 12 years to recent regular consumption.

The information of record showed that petitioner has regained compliance with his random drug screen protocols.

Based upon all of the information of record, the Board of Nursing now makes the following:

ORDER

NOW, THEREFORE, IT IS ORDERED that the stay of suspension of the nursing license of DONALD C. ROSS, R.N., (lic.# 97923) to practice as a registered nurse in the state of Wisconsin is hereby GRANTED for a period of one month.

IT IS FURTHER ORDERED that the petitioner shall submit another AODA assessment, pursuant to paragraphs (8) and (10) of the Board's order dated September 8, 2005, currently in effect. The health care provider shall be pre-approved by the Board, but cannot be not located in Phillips, Wisconsin, or located within 30 miles from that community.

IT IS FURTHER ORDERED that petitioner shall provide a hair specimen for further drug screen testing pursuant to subparagraph (3) (e) of the 2005 Board order.

IT IS FURTHER ORDERED that the petitioner may submit a request for a further stay of suspension based upon his continued compliance with the terms and conditions of all Board orders currently in effect. The Board is next scheduled to meet on December 14, 2006, and will review any request for a further stay of suspension, any additional AODA evaluations or test results and supporting information at that time.

This Order is effective upon the date signed below.

STATE OF WISCONSIN
BOARD OF NURSING

Marilyn A. Kaufmann, PhD, RN
Chair

11/21/2006