

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
THE LICENSE OF

JESSE J. BARRY, R.N.,

DENIAL OF REQUEST FOR
AMENDMENT OF NATIONAL
PRACTITIONER DATA BANK
REPORT

Petitioner.

LS0911051NUR

TO: Jesse J. Barry, R.N.
2213 Portage Road
Madison, WI 53704

Attorney Jeff Scott Olson
131 West Wilson Street, Suite 1200
Madison, WI 53703

The Wisconsin Board of Nursing reviewed the petitioner's request for amendment of the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) reports submitted as required under federal law based upon the disciplinary action taken against the petitioner pursuant to the Final Decision and Order of the board dated November 5, 2009. The HIPDB and NPDB are national data collection programs for the reporting and disclosure of adverse licensure actions taken against the credentials of health care practitioners. The disciplinary action of the Board of Nursing against the petitioner's registered nurse license constitutes an adverse action mandatorily required to be reported to the data banks.

Petitioner has requested that the Board of Nursing change the state licensure action code selected in submitting the report. Petitioner contends that the selected code does not accurately reflect the board's action and that an improvement in petitioner's mental health status warrants a revision to the original submission and selection of an alternate code. Based upon the information presented, the Board now finds and issues the following:

ORDER

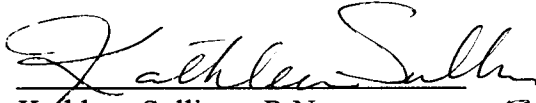
NOW, THEREFORE, IT IS ORDERED that the request for amendment to the HIPDB and NPDB reports reflecting the board's Final Decision and Order dated November 5, 2009, for JESSE J. BARRY, R.N. (lic. # 122097-30) is hereby DENIED.

The state licensure action code selected by the Department of Regulation and Licensing on behalf of the Board of Nursing accurately corresponds to the finding that petitioner

violated ch. N7.03(3), Wis. Admin. Code, which, per the language of the rule, is evidenced by conduct which reflects the impaired ability to safely or reliably perform duties as a registered nurse.

IT IS FURTHER ORDERED that the improvement in the petitioner's mental health status after treatment does not warrant a revision to the action code selected at the time of the initial reporting. Any change in petitioner's condition is properly addressed in a subsequent action report when the encumbrances upon petitioner's license are removed and his license fully reinstated; contingent upon petitioner's satisfactory compliance with the board order.

STATE OF WISCONSIN
BOARD OF NURSING


Kathleen Sullivan, R.N., 03
Chairperson

11.03.10
Date