

# 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

JACKLYN S. BACKHAUS, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER

: Order 0000178  
:

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[Division of Enforcement Case # 10 NUR 101]

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

Jacklyn S. Backhaus, R.N.  
256 Ivy Place  
West Bend, WI 53095

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. Jacklyn S. Backhaus, R.N., Respondent, date of birth May 21, 1984, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 157970, which was first granted March 2, 2007.
2. Respondent's last address reported to the Department of Regulation and Licensing (Department) is 256 Ivy Place, West Bend, WI 53095.
3. On February 28, 2010, Respondent self-reported to the Department her December 11, 2009 misdemeanor conviction for Possession of Tetrahydrocannabinol (THC), in

violation of Wis. Stat. 961.41(3g)(e). Tetrahydrocannabinol, the active ingredient in marijuana, is a Schedule I controlled substance. Respondent was sentenced to four (4) months in jail, with Huber privileges. Sentence was stayed and Respondent was placed on probation for twelve (12) months, with the usual conditions. Respondent's conviction may be expunged if she successfully completes probation.

4. Respondent represents to the Board that since September 15, 2009, Respondent has regularly attended alcohol/drug counseling at Northshore Clinic and Consultants, Inc., in West Bend, Wisconsin.

#### CONCLUSIONS OF LAW

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

2. Respondent, by engaging in the conduct set out above, has violated a law substantially related to practice under her license and obtained a drug other than in the course of legitimate practice or as otherwise prohibited by law, and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1) & (2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Jacklyn S. Backhaus, R.N., is REPRIMANDED for her unprofessional conduct in this matter.

2. Respondent shall not consume any controlled substance listed in Schedule I-IV, without a valid prescription of an authorized prescriber, and for a valid medical purpose. Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis, forthwith upon such request. This shall not be deemed a limitation upon Respondent's license, but failure to comply shall be a violation of an Order of the Board.

3. Respondent shall, within 60 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of investigating and prosecuting this matter, in the amount of \$100.00, pursuant to Wis. Stat. § 440.22(2).

4. All payments required by this Order shall be mailed or delivered to:

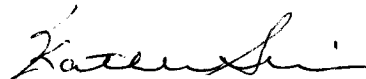
Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. 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. In the event Respondent fails to timely submit full payment of the costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid the costs, in full, together with any accrued interest.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By:

  
A Member of the Board

5/6/10  
Date

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