

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HARMONY S. GEARY, L.P.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER
Order 0000387

[Division of Enforcement Case # 10 NUR 019]

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

Harmony S. Geary, L.P.N.
3875 N. Morris Boulevard
Shorewood, WI 53211

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

Board of Nursing
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Harmony S. Geary, L.P.N., Respondent, date of birth August 20, 1979, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 311363, which was first granted July 30, 2009.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3875 N. Morris Boulevard, Shorewood, WI 53211.

3. During the events of this matter, Respondent was employed as a licensed practical nurse at Golden Living Center-Colonial Manor in Glendale, Wisconsin.

4. On December 22, 2009, Respondent voluntarily submitted to a reasonable suspicion drug test in accordance with her employer's policy. The sample was positive for marijuana metabolite. Marijuana is a schedule I controlled substance pursuant to Wis. Stat. § 961.14(4)(t).

5. The Board infers that Respondent has consumed marijuana without legal authority and that Respondent's possession of marijuana was in violation of Wis. Stat. § 961.41(3g)(e), a law substantially related to the practice of nursing.

6. Respondent was offered the opportunity to explain this test result. Respondent denies consuming marijuana and contends that there was an error with the test.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by obtaining and using a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out above, has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by engaging in the conduct set out above, has violated a law substantially related to practice under her license, which is unprofessional conduct as defined by Wis. Admin. Code § N 7.04(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Respondent, Harmony S. Geary, L.P.N., is REPRIMANDED for the above conduct.

2. Respondent's license to practice nursing in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nurse Licensure Compact, is LIMITED as follows:

a. At any time within one (1) year from the date of this Order, 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.

b. During the pendency of this Order and any subsequent related Orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior

written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$100.00, pursuant to Wis. Stat. § 440.22(2).

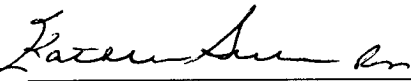
4. Any payments, reports and other correspondence shall be mailed, faxed or delivered to:

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 that Respondent fails to pay costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

Wisconsin Board of Nursing

By: 
A Member of the Board

9-2-10
Date