

# 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 :  
: FINAL DECISION AND ORDER  
CHIA YANG, R.N., :  
RESPONDENT. : *ORDER 0000891*

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Division of Enforcement Case No. 11NUR020

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

Chia Yang, R.N.  
5002 Twin Oaks Drive  
Madison, WI 53714

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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Chia Yang, R.N., (DOB 03/31/1988) is duly licensed as a professional nurse in the State of Wisconsin (license No. 30-174435). This license was first granted on September 22, 2010.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 5002 Twin Oaks Drive, Madison, WI 53714.

3. On December 16, 2010, Respondent submitted a hair specimen for a pre-employment substance abuse test. The specimen was positive for opiates. Respondent was placed on practice limitations for six months during which time Respondent shall not be in contact with certain patients and their medications.

4. On January 27, 2011, Respondent told the Division of Enforcement that she used Tylenol with codeine from October to November 2010 for painful menstrual cramps. Respondent admitted that she did not have a prescription for the medication and she got it from a friend.

5. On February 25, 2011, Respondent underwent an Alcohol and Other Drug Use Assessment (AODA). Respondent reported continued abstinence from the prescription opiates. The assessor believes further alcohol and other drug treatment is not necessary and recommended random urine analysis to assure continued abstinence.

#### 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. The conduct described in paragraph 4 above constitutes a violation of Wisconsin Administrative Code § N 7.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

#### ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Chia Yang, R.N., is REPRIMANDED.

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

a. For a period of at least two (2) years from the date of this Order:

(1) Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department ("Approved Program").

(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 and alcohol

monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:

- (i.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
- (ii.) Production of a urine, blood, sweat, fingernail, hair, saliva or other 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 specimens at a frequency of not less than 49 times per year, for the first year of this Order. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests. The board may adjust the frequency of testing on its own initiative at any time.

- b. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

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 Three Hundred Dollars (\$300.00), pursuant to Wis. Stat. § 440.22(2).

4. Any requests, reports, evidence of completion of educational program(s) and payment shall be mailed, faxed or delivered to:

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 or completion of the continuing education.

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

Dated at Madison, Wisconsin this 2<sup>nd</sup> day of June, 2011.

Board of Nursing

By: Kath Solo  
A Member of the Board (DS)