

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
|----------------------------------|---|--------------------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| NICOLE L. VARNER, R.N., | : | |
| RESPONDENT. | : | ORDER 0001441 |

Division of Enforcement Case No. 11NUR569

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

Nicole L. Varner, R.N.
206 E. First Street
Waldo, WI 53093

Division of Enforcement
Department of Safety and Professional Services
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

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. Nicole L. Varner, R.N., (DOB 10/15/1983) is licensed as a professional nurse in the State of Wisconsin (license no. 171218-30). This license was first granted on January 27, 2010.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 206 E. First Street, Waldo, WI 53093.

3. On January 21, 2011, Respondent was approved for participation in the Impaired Professionals Procedure (now known as Professional Assistance Procedure, PAP). Respondent signed and submitted an Agreement for Participation (Agreement).

4. Respondent's participation in PAP was based on the following facts:

- a. On July 31, 2010, Respondent was accused by two patients of being under the influence. Respondent was slurring words and speaking loudly while on the job. After talking to her employer, Respondent admitted to abusing her pain medication beginning in May or June 2010. Respondent was assessed by Columbia St. Mary's on August 13, 2010 and was diagnosed as opiate dependent;
- b. Respondent immediately self enrolled in her employer's impaired professionals program and attended regular AA and NA meetings. Respondent was undergoing intensive outpatient treatment through Columbia St. Mary's;

5. On February 2, 2012, Respondent was removed as a participant in PAP due to substantial violations of her Agreement. Respondent was discharged from alcohol and other drug abuse treatment without authorization from the PAP and after she was released from hospitalization, she failed to notify the PAP coordinator of her release so testing could resume. Respondent did not resume testing, she did not submit required reports and she did not respond to repeated attempts of contact made by the PAP coordinator.

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 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:


1. The SURRENDER of the license of Nicole L. Varner to practice nursing in the State of Wisconsin is hereby accepted.
2. The SURRENDER of the privilege of Nicole L. Varner to practice nursing in the State of Wisconsin under another state license pursuant to the Nurse Licensure Compact is hereby accepted.
3. In the event that Respondent re-applies for licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing.
4. Prior to re-applying for licensure as a nurse, Respondent, at her own expense, shall undergo a fitness to practice evaluation under the following terms:
 - (a) The evaluator must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.
 - (b) The Division shall provide the evaluator and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent may provide the evaluator with any information Respondent believes will be of assistance in performing the evaluation and shall immediately provide copies of that information to the Division.
 - (c) Respondent shall authorize the evaluator to provide the Board, or its designee, and the Division with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluator.
 - (d) If the evaluator shows, to the Board's satisfaction, that Respondent is safe to practice nursing, the Board shall consider Respondent's application for licensure to practice nursing. However, the Board may grant Respondent a license, and limit the license in any manner it sees fit to address the facts above and any recommendations resulting from the assessment, including but not limited to direct supervision and quarterly employer work reports.

5. In the event that Respondent ever reapplies for any credential in Wisconsin Respondent shall, prior to such application, pay costs of this proceeding in the amount of Three Hundred Fifty dollars (\$350.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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

Board of Nursing

By:  3/22/12
A Member of the Board Date