

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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
DANIEL J. PETERS, R.N.,	:	
RESPONDENT.	:	ORDER 0001523

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Division of Enforcement Case No. 12NUR017

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

Daniel J. Peters, R.N.  
7027 E. McMillan Street  
Marshfield, WI 54449

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 Safety and Professional Services  
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. Daniel J. Peters, R.N., (D.O.B. 04/08/1968) is licensed as a professional nurse in the State of Wisconsin (license no. 119963-30). This license was first granted on June 30, 1995.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 7027 E. McMillan Street, Marshfield, WI 54449.

3. On March 21, 2011, Respondent was charged in Wood County Case Number 2011CF000102 with the following:

- a. Count One: Possession of Tetrahydrocannabinols (THC), a class A misdemeanor;
- b. Count Two: Maintain Drug Trafficking Place, a class I felony; and
- c. Count Three: Possess Drug Paraphernalia, a class A misdemeanor;

4. Respondent pled guilty to counts one and three; and was ordered to two years probation supervision, a fine and various court costs, alcohol and other drug abuse evaluation, and compliance with Wood County Drug Court Treatment Program.

5. On November 11, 2011, Respondent underwent an alcohol and drug evaluation. The evaluator recommended Respondent enter outpatient day treatment to address cannabis dependence.

6. On February 1, 2012, Respondent was discharged from day treatment and the counselor recommended Respondent attend eight weeks of the Intensive Outpatient Program along with individual sessions, to continue seeing his primary counselor and to continue to complete the Drug Court Program.

#### 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 paragraphs 3-4, above, constitutes a violation of Wis. Admin. Code §§ N 7.03(2) and 7.04(1) and (2), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

#### ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Daniel J. Peters, R.N., is REPRIMANDED.

2. Respondent's license to practice nursing in the State of Wisconsin, and his 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:
  - i. Respondent shall enroll and participate in a drug and alcohol monitoring program that is approved by the Department ("Approved Program").
  - ii. 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:
  - iii. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - iv. 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.
  - v. 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.
  - vi. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- b. For a period of at least two (2) years from the date of this Order:
  - i. Respondent shall continue in counseling with a counselor, who is approved in advance by the Board, and meet at a frequency determined by the counselor. Any change in counselor must be approved in advance by the Board or its designee.
  - ii. Respondent's counselor shall provide written reports on Respondent's treatment to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.

3. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Respondent shall, within one hundred twenty (120) days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of Five Hundred (\$500.00), pursuant to Wis. Stat. § 440.22(2).

5. Any requests, petitions, reports, or payments shall be mailed, faxed or delivered to:

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

6. 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 comply with the ordered drug testing, or fails to comply with the ordered counseling as set forth above, or fails to timely submit payment of the costs as ordered, Respondent's license (no. 119963-30) 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.

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

Dated at Madison, Wisconsin this 3rd day of May, 2012.

Board of Nursing

By: Britchen Lowe  
A Member of the Board