

## 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
GARY V. PETERSON, R.N.,	:	
RESPONDENT.	:	ORDER 0001524

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Division of Enforcement Case No. 11NUR652

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

Gary V. Peterson, R.N.  
3661 S. Welland Avenue  
South Range, WI 54874

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 (Board). 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. Gary V. Peterson, R.N., (D.O.B. 04/14/1958) is licensed as a professional nurse in the State of Wisconsin (license no. 121102-30). This license was first granted on September 18, 1995.

2. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 3661 S. Welland Avenue, South Range, WI 54874.

3. On November 11, 2011, while working as a professional nurse, Respondent reported to work exhibiting impaired behaviors. At the request of his employer, Respondent agreed to undergo a drug screen.

4. Respondent's drug screen results revealed that Respondent's Ethanol Concentration was .22 g/dl.

5. Respondent underwent an assessment at Lutheran Social Services and was diagnosed with adjustment disorder with mixed anxiety and depressed mood.

6. Respondent voluntarily enrolled in the Health Professional Services Program (HPSP) on December 14, 2011. The HPSP monitoring consists of work site monitoring, counseling, and drug and alcohol monitoring.

7. Respondent accepts responsibility for his improper use of alcohol and has cooperated fully with the Department in this investigation. His agreement to this Order is a testament to his commitment to practice nursing in a safe and effective manner.

#### 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 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, Gary V. Peterson, 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. Respondent shall continue and successfully complete the Health Professional Services Program (HPSP) that he enrolled in on

December 14, 2011. The HPSP is a drug and alcohol monitoring program approved by the Department.

- b. Respondent shall review all of the rules and procedures made available by the HPSP. Failure to comply with all requirements for participation in drug and alcohol monitoring and counseling established by the HPSP is a substantial violation of this Order.
- c. The HPSP shall provide the Department Monitor with all of Respondent's drug and alcohol test results on a quarterly basis as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the results are made in a timely manner.
- d. Respondent's HPSP 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.
- e. Respondent shall provide and keep on file with the HPSP, his counselor and all laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Enforcement to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with his HPSP case manager, his counselor and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

3. After successful completion of the HPSP, Respondent may petition the Board for the modification or termination of the limitation. Upon petitioning the Board, Respondent shall provide certification of successful completion from the HPSP and a report from his counselor addressing Respondent's treatment and his ability to practice safely as a nurse. 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 Three Hundred Dollars (\$300.00), 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 as set forth above, or fails to comply with the ordered counseling, or fails to timely submit payment of the costs as ordered, Respondent's license (no. 121102-30) 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 3<sup>rd</sup> day of May, 2012.

Board of Nursing

By:   
A Member of the Board