

## 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

TERRI J. PIXLEY, L.P.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0002873**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 347

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

Terri J. Pixley, L.P.N.  
805 South Wasson, #102  
River Falls, WI 54022-3013

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Terri J. Pixley, L.P.N., (dob November 21, 1967) is licensed in the State of Wisconsin as a practical nurse, having license number 306217-31, first issued on July 1, 2005 and current through April 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 805 South Wasson #102, River Falls, Wisconsin 54022-3013.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a nursing home (Center), located in River Falls, Wisconsin.

3. On June 6, 2013, police executed a search warrant of Respondent's residence. The search warrant was issued after a confidential informant (CI) purchased methamphetamine from someone within Respondent's residence.

4. Police found numerous items consistent with drug use, drug possession and illegally obtaining a prescription drug within the residence. Specifically, in Respondent's bedroom, police found a glass methamphetamine pipe that appeared to have been used. Police also found a prescription with a Center patient's name and Center's address on the bottle.

5. During a police interview, later that day, Respondent admitted to smoking marijuana and methamphetamine. Specifically, Respondent admitted that she had quit smoking methamphetamine but restarted her usage in July 2012.

6. Respondent informed police that she possessed Vicodin® and Tussalon Perles®, without a valid prescription.

7. Police found Tussalon Perles® in Respondent's residence. The bottle contained the name VI, who is a resident at the Center where Respondent worked. VI is Respondent's grandmother. Respondent did not have permission to take this medication.

8. Respondent was charged with possession of methamphetamine, in violation of Wis. Stat. § 961.41(3g)(g), possession of drug paraphernalia, in violation of Wis. Stat. § 961.573(1), and illegally obtaining a prescription drug, in violation of Wis. Stat. § 450.11(7)(h), Pierce County case number 2013CF095.

9. On September 23, 2013, Respondent pled guilty to possession of methamphetamine in exchange for a deferred prosecution agreement, in violation of Wis. Stat. § 961.41(3g)(g), Pierce County case number 2013CF095.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. Vicodin® contains less than 15 milligrams of hydrocodone, and is a Schedule III controlled substance pursuant to Wis. Stat. § 961.18(c), for which a prescription is required pursuant to Wis. Stat. § 961.38(3).

3. By the conduct described in the Findings of Fact, Terri J. Pixley, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1) by violating a law substantially related to the practice of practical nursing.

4. By the conduct described in the Findings of Fact, Terri J. Pixley, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2) by obtaining a drug other than in the course of legitimate practice or as otherwise prohibited by law.

5. As a result of the above conduct, Terri J. Pixley, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Terri J. Pixley, L.P.N., (license no. 306217-31) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. Within one (1) year from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$500.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DPSMonitoring@wisconsin.gov

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

Dated at Madison, Wisconsin this 19 day of December, 2013

WISCONSIN BOARD OF NURSING

By: Julia Nelson, RN  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

TERRI J. PIXLEY, L.P.N.,  
RESPONDENT.

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STIPULATION

0002873

Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 347

Respondent Terri J. Pixley, L.P.N. and the Division of Legal Services and Compliance,  
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the  
Division of Legal Services and Compliance. Respondent consents to the resolution of this  
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily  
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has  
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by  
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral  
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,  
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,  
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has  
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by  
the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of  
the attached Final Decision and Order without further notice, pleading, appearance or consent of  
the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the  
form as attached.

<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

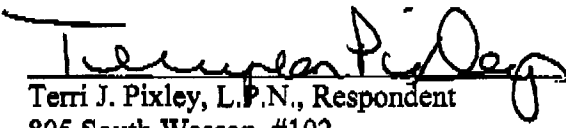
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

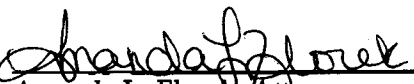
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Terri J. Pixley, L.P.N., Respondent  
805 South Wasson, #102  
River Falls, WI 54022-3013  
License no. 306217-31

12-2-13  
Date

  
Amanda L. Florek, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

12/6/13  
Date