

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE APPLICATION OF	:	
	:	
TAMMY J. MEWES,	:	ORDER FOR ORIGINAL
APPLICANT	:	LIMITED LICENSE
	:	
	:	
	:	<b>0003421</b>

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

TAMMY J. MEWES  
20 WESY CLIFFORD ST.  
PLYMOUTH, WI 53073

WISCONSIN BOARD OF NURSING  
P.O. BOX 8935  
MADISON, WI 53708-8935

FINDINGS OF FACT

1. Tammy J. Mewes, Applicant, (d/o/b 01/28/68) is currently licensed to practice as a registered professional nurse in the State of Illinois under license number 041.317839 first issued on December 16, 1999. Applicant's most recent address is 20 West Clifford St., Plymouth, WI 53073.
2. On April 11, 2014, Applicant filed and application for licensure by endorsement to practice as a registered professional nurse in the State of Wisconsin.
3. In December 2009, Applicant was disciplined in the State of Illinois based upon a criminal conviction of felony possession of a controlled substance, crack cocaine. Applicant was suspended for a period of three months and then ordered to enter a monitoring program for drugs and alcohol and have quarterly work reports from her supervisors submitted to the Illinois Department of Financial and Professional Regulation Division of Professional Regulation.
4. In August 2010, Applicant's license to practice as a professional nurse in the State of Illinois was indefinitely suspended for failure to comply with the terms of the 2009 Order.
5. In February 2014, Applicant's license to practice as a professional nurse in the State of Illinois was reinstated in full with no restrictions.
6. On July 10, 2014, The Wisconsin Board of Nursing reviewed Applicant's application for licensure in the State of Wisconsin.

### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07.
2. Based upon the facts and circumstances set forth in the Findings of Fact, Applicant has not demonstrated current competence to practice professional nursing in the State of Wisconsin under an unrestricted license as required by Wis. Stat. § 441.06(1m).
3. Limitations upon Applicant's license are necessary to ensure that she is able to practice in a competent manner to safeguard the patients and public in the State of Wisconsin.

### ORDER

IT IS HEREBY ORDERED that Applicant TAMMY J. MEWES be GRANTED a LIMITED LICENSE to practice as a professional nurse in the State of Wisconsin with the following terms and conditions:

#### Refresher Course

1. Prior to resumption of practice and within one year of the date of this Order, Applicant must successfully complete a nurse refresher course, at Applicant's expense, preapproved by the Board of Nursing or its designee.
2. Applicant shall provide a copy of this order to the organization that is providing the nurse refresher course.
3. Upon successful completion of the nurse refresher course and after compliance with the terms of paragraph 4 below, Applicant may practice as a registered nurse under the terms and conditions set forth below.

IT IS FURTHER ORDERED that for a period of a period of at least TWO (2) YEARS from the date Applicant provides evidence of successful completion of the terms of paragraphs 1 through 3 above, Applicant shall comply with the following:

#### Treatment Required

4. Applicant shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee ("Treater"). Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
5. Applicant shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
6. Treater shall be responsible for coordinating Applicant's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to serve as required by this

Order, Applicant shall immediately seek approval of a successor Treater by the Board or its designee.

7. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by 26, below.

8. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

9. Applicant shall provide and keep on file with Treater, all treatment facilities and personnel, 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 Legal Services and Compliance to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Applicant's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

#### Sobriety and Drug and Alcohol Monitoring

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

11. At the time Applicant enrolls in the Approved Program, Applicant 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:

a. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.

b. 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.

c. 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, Applicant 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.

12. Respondent shall abstain from all personal use of alcohol. Applicant shall also abstain from 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.

Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant 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 Applicant's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

13. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. 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, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.

14. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 3(a)v.

15. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

16. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances [or alcohol], Applicant shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

#### Practice Limitations

17. Applicant shall not work in a setting in which Applicant has access to controlled substances. After one year from resumption of practice under this Order, Applicant may petition the Board for removal of this limitation. Removal or modification is at the sole discretion of the Board.

18. Applicant shall practice only under the direct supervision of a licensed Registered Nurse or other licensed health care professional approved by the Board or its designee.

19. Applicant shall practice only in a work setting pre-approved by the Board or its designee.

20. Applicant may not work in a home health care, hospice, pool nursing, assisted living, or agency setting.

21. Applicant shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Applicant works as a nurse or care giver or provides health care, currently or in the future.

22. It is Applicant's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.

23. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

#### MISCELLANEOUS

24. Pursuant to Uniform Nurse Licensure Compact regulations, Applicant's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Applicant proposes to practice.

25. The Board or its designee may, without hearing, suspend Applicant's nursing license upon receipt of information that Applicant is in substantial or repeated violation of any provision of this Order. A substantial violation includes, but is not limited to, a positive drug [or alcohol] screen. A repeated violation is defined as the multiple violations of the same provision or violation of more than one provision.

26. After two (2) years from the date of this Order, Applicant 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.

27. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

#### Required Reporting by Applicant

28. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Applicant shall promptly

notify the Department Monitor of any violations of any of the terms and conditions of this Order by Applicant.

Change of Treater or Approved Program by the Board

29. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Applicant continue treatment and rehabilitation under the direction of another Treater or Approved Program.

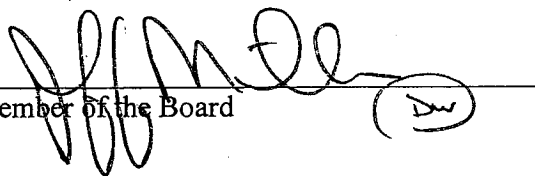
30. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Applicant's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Applicant fails to comply with the terms of this order, Applicant's license to practice professional nursing in the State of Wisconsin may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has come into compliance.

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

WISCONSIN BOARD OF NURSING

by:

A Member of the Board

A handwritten signature in black ink, appearing to be 'J. M. De...', written over a horizontal line. To the right of the signature is a circled monogram 'DW'.

Date

7/28/14

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION OF

TAMMY J. MEWES  
APPLICANT

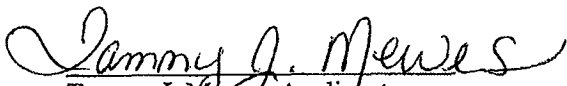
STIPULATION

0003421

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Board of Nursing as follows:

The Applicant has filed an application for a license to practice as a registered professional nurse. Information received by the Board reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a registered professional nurse subject to the terms and conditions set forth in the attached Order for a Limited License.


Dated this 3<sup>rd</sup> day of September, 2014

  
Tammy J. Mewes, Applicant

STATE OF WISCONSIN  
BOARD OF NURSING

Dated this 28 day of July, 2014

By:

  
Jeffrey Miller, Chairperson  
Wisconsin Board of Nursing