

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE	:	ORDER DENYING REINSTATEMENT
DISCIPLINARY PROCEEDINGS AGAINST	:	AND IMPOSING LIMITATIONS
	:	
CHRISTY PULLARA, R.N.,	:	ORDER0002867
RESPONDENT.	:	

TO: CHRISTY PULLARA
2037 SUNDSTROM ST
MADISON WI 53713-2003

On April 11, 2013, the Wisconsin Board of Nursing ("Board") issued a Final Decision and Order limiting Respondent's professional nursing license with certain terms and conditions including compliance with random drug screens. Respondent had several positive tests without a prescription and as a result, her license was further limited pursuant to the Final Decision and Order dated December 19, 2013 ("December 2013 Order").

Respondent's license was subsequently suspended on April 6, 2015 for violation of the December 2013 Order. On October 8, 2015, the Board considered Respondent's request for termination of the suspension. Based upon the information of record, the Board finds and makes the following:

ORDER

1. Respondent's request to terminate the suspension imposed pursuant to the December 2013 Order is hereby DENIED for failure to demonstrate continuous and successful compliance.

2. Respondent's license remains SUSPENDED for an indefinite period and, pursuant to paragraph 8 of the December 2013 Order, is hereby LIMITED as follows:

STAY OF SUSPENSION

A1. Respondent may petition for a stay of the suspension upon demonstrating full compliance with Sections B and C below for at least six (6) consecutive months beginning after the date of this Order.

A2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections B or C 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 violation of the same provision or violation of more than one provision. The Board or its designee may, in conjunction with any removal of any stay, prohibit Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph A4.

- A3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
- a. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - b. Actual notice to Respondent or Respondent's attorney.
- A4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- A5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS & LIMITATIONS

Treatment Required

- B1. Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee ("Treater"). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- B2. Respondent shall immediately provide Treater with a copy of this order, all previous orders, and all future orders.
- B3. Treater shall be responsible for coordinating Respondent'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, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- B4. 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 paragraph C3, below.
- B5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this order.

Releases

- B6. Respondent 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 Respondent'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.

AA/NA Meetings

- B7. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor as directed by the Department Monitor.

Sobriety

- B8. Respondent shall abstain from all personal use of alcohol.
- B9. Respondent shall abstain from all 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. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent 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 Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- B10. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- B11. Respondent shall report to Treater and 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.

- B12. Respondent 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 Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph B10, above.

Drug and Alcohol Screens

- B13. Respondent shall enroll and begin participation in a drug and alcohol monitoring program approved by the Department ("Approved Program").
- B14. 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:
- 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.
- B15. The Approved Program shall require the testing of specimens at a frequency of not less than 48 times per year. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests pursuant to paragraph C3, below. The Board may adjust the frequency of testing on its own initiative at any time.
- B16. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent 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.
- B17. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- B18. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- B19. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- B20. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances.
- B21. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee.
- B22. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- B23. Respondent may not work in a home health care, hospice, assisted living, pool nursing, or agency setting.
- B24. Respondent shall provide a copy of this order, all previous orders, and all future orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, during the duration of this order.
- B25. It is Respondent'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 Respondent'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.

Required Reporting by Respondent

- B26. Respondent 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.
- B27. Every three (3) months, as directed by the Department Monitor, Respondent shall notify the Department Monitor of Respondent's compliance with the terms and conditions of this order, and shall provide the Department Monitor with a current address and home telephone number.
- B28. Respondent is responsible for compliance with all of the terms and conditions of this order, including the timely submission of reports by others. Respondent 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. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this order by Respondent.

MISCELLANEOUS

Department Monitor

- C1. 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

Change of Treater or Approved Program by Board

- C2. 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 Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- C3. Respondent may petition the Board on an annual basis for modification of the terms of this order, however no such petition for modification shall occur earlier than one year from the date of the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
- C4. Respondent may petition the Board for termination of this order upon demonstration of continuous, successful compliance with all terms for at least five (5) years, including at least 600 hours of active nursing practice for every year the suspension is stayed. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

Costs of Compliance

- C5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this order. Being dropped from a program for non-payment is a violation of this order.

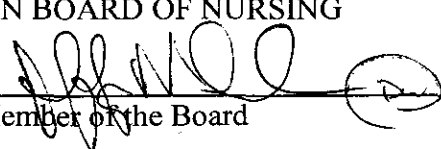
Additional Discipline

- C6. In addition to any other action authorized by this order or law, violation of any term of this order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

3. This order supersedes the orders dated April 11, 2013 and December 19, 2013, and is effective the date of its signing.

WISCONSIN BOARD OF NURSING

By:


A Member of the Board

Date

