

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AUDREY J. GILMAN, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004131

Division of Legal Services and Compliance Case No. 15 NUR 083

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

Audrey J. Gilman, R.N.
7345 Degrio Way
Inver Grove Heights, MN 55076

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Audrey J. Gilman, R.N., (dob August 29, 1963) is licensed in the State of Wisconsin as a professional nurse, having license number 195153-30, first issued on March 28, 2013 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7345 Degrio Way, Inver Grove Heights, Minnesota 55076.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse in Minnesota.

3. On February 5, 2015, the Minnesota Board of Nursing (Minnesota Board) and Respondent entered into a Stipulation and Consent Order (Minnesota Order) due to Respondent's history of drug and alcohol use, positive drug screen, suspicion of diversion and her continued use of controlled substance prescription medications.

4. The Minnesota Board suspended Respondent's license to practice professional nursing. The suspension was stayed as long as Respondent complied with the terms and conditions of the Minnesota Order.

5. The Minnesota Order contained the following terms and conditions:

- a. Direct supervision;
- b. Access to controlled substances must be supervised by a professional nurse who works on the same shift and is assigned the same unit as Respondent;
- c. Respondent may not work as a charge nurse, director of nursing, or perform administrative or supervisory/monitoring tasks;
- d. Respondent may not work in home care, group homes, assisted living facilities, through temporary placement agencies or as a private duty nurse;
- e. Respondent may not administer, handle or have any responsibility for any controlled substance;
- f. Respondent must obtain pre-approval of a work setting from the Board staff before beginning employment;
- g. Respondent must provide notification to the Minnesota Board at least 15 days prior to anticipated start date of employment;
- h. Respondent must submit self-reports;
- i. Respondent must have her supervisor submit work reports;
- j. Respondent must abstain from use of all controlled substances or abuseable mood-altering substances, including alcohol.

6. 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. By the conduct described in the Findings of Fact, Audrey J. Gilman, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country.

3. As a result of the above violations, Audrey J. Gilman, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The license of Audrey J. Gilman, R.N., (license number 195153-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** indefinitely from the date of this Order.

3. The suspension of Respondent's license to practice nursing and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact is hereby stayed contingent upon Respondent's full compliance with the terms and conditions of the Minnesota Order.

4. The professional nursing license issued to Audrey J. Gilman, R.N., (license number 195153-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **LIMITED** as follows:

- a. Respondent shall fully comply with all conditions and limitations placed on her Minnesota license including:
 - i. Respondent must work under direct supervision at all times while she is employed as a nurse or conducts any patient care.
 - ii. Respondent may not work as a charge nurse, director of nursing or perform administrative or supervisory/monitoring tasks.
 - iii. Respondent may not work in home care, group homes, assisted living facilities, through temporary placement agencies or as a private duty nurse.
 - iv. Respondent may not administer, handle, or have any responsibility for any controlled substances.
 - v. Respondent must obtain pre-approval of a work setting from Minnesota Board staff before beginning employment as a nurse at any facility or agency. Respondent must provide notification to the Board a minimum of 15 days prior to her anticipated date of employment and must provide a job description and the name and telephone number of the individual who will be her supervisor.

- b. Respondent shall submit quarterly self-reports to the Department regarding her progress with the Minnesota Order.
- c. Respondent shall have her nursing supervisor submit work reports, required by the Minnesota Order, to the Department within fifteen (15) days of it being provided to the Minnesota Board.
- d. Respondent shall notify the Department of any changes to her Minnesota Order within ten (10) days of the change.
- e. Respondent must completely abstain from all controlled or abusable mood-altering substances, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other authorized health care professional who is providing care and treatment to Respondent.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$150.00.

6. Work reports, self-reports and 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to timely submit work reports or self-report as set forth above, Respondent's license (no. 195153-30) 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, submitted work reports and submitted self-reports as required in this order.

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

WISCONSIN BOARD OF NURSING

by: Judy Allen DNP, APRN
A Member of the Board

7-9-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AUDREY J. GILMAN, R.N.,
RESPONDENT.

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STIPULATION

0004131

Division of Legal Services and Compliance Case No. 15 NUR 083

Respondent Audrey J. Gilman, R.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.

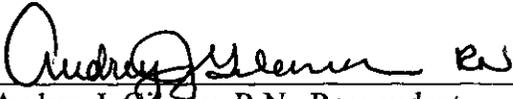
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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



Audrey J. Gilman, R.N., Respondent
7345 Degrio Way
Inver Grove Heights, MN 55076
License no. 195153-30

06.19.15
Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison WI 53707-7190

06/25/15
Date