

## 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 APPLICATION FOR	:	
REINSTATEMENT OF REGISTERED NURSE	:	
LICENSE	:	ORDER GRANTING
	:	LIMITED LICENSE
KRISTINE KOHLMANN,	:	
APPLICANT.	:	
	:	0004895

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

KRISTINE KOHLMANN  
2263 S. WOODWARD ST.  
MILWAUKEE, WI 53207

BOARD OF NURSING  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WI 53708-8935

FINDINGS OF FACT

1. KRISTINE KOHLMANN (Applicant) has filed an application to reinstate her license (#102444-30) to practice as a Registered Nurse in Wisconsin. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2263 S. Woodward Street, Milwaukee, Wisconsin 53207.
2. Information received in the application process reflects that the applicant has the following history of orders with the Wisconsin Board of Nursing (Board):
  - a. Final Decision and Order LS0102023NUR, dated February 2, 2001.
    - i. On or about October 31, 2000, applicant was convicted in Milwaukee county case 00CM8940 for failure to act with the required nursing skill, knowledge or training. Order LS0102023NUR found Applicant engaged in unprofessional conduct for her conviction of this crime, which was substantially related to the practice of nursing. Wis. Stat. §§ 441.07(1)(b), (c), and (d), and Wis. Admin. Code §§ N 7.03(1)(a) and (b) and N 7.04(1), (2), and (15) (1990).
    - ii. Under this order, Applicant was reprimanded and her license to practice as a nurse was limited to require Applicant to complete specified continuing education, to comply with the terms of her

probation, and to arrange for her supervisor to provide quarterly work reports to the Board.

- iii. On or about April 12, 2002, the Board reinstated Applicant's license to full licensure finding she had completed the terms of this order.

b. Final Decision and Order LS0507144NUR, dated July 14, 2005.

- i. Order LS0507144NUR was a stipulated resolution to cases 03 NUR 248 and 05 NUR 013. The facts underlying this order involved multiple allegations of diversion of controlled substances from 2001 through 2005, as well as positive urine tests for THC and morphine. The order suspended Applicant's license for an indefinite period, limited her license for a period of at least five (5) years, required treatment, sobriety, drug and alcohol screens, and practice limitations, including not working in a setting in which Applicant had access to controlled substances.
- ii. An order dated November 21, 2005, granted a three month stay of the suspension.
- iii. An order dated December 4, 2006, revoked the stay of suspension and Applicant's license was returned to suspended status as the Board found Applicant was not in compliance with the limitations of her order by obtaining access to controlled substances in her place of employment.

c. Final Decision and Order LS0706214NUR, dated June 21, 2007.

- i. Order LS0706214NUR was a stipulated resolution to case 06 NUR 426. Applicant admitted that on several occasions during November 2006, she gained access to the contingency narcotic box at her place of employment and diverted narcotics for her own use in violation of Wis. Stat. §§ 441.07(1)(b), (c), and (d), and Wis. Admin. Code §§ N 7.04(2) and (14) (1990).
- ii. The Board accepted the surrender of Applicant's license to practice as a nurse in the state of Wisconsin and her privilege to practice pursuant to the Multi-state Nurse Licensure Compact. Pursuant to the order, the surrender is permanent.
- iii. Additionally, Applicant was barred from re-applying for Wisconsin licensure for a period of at least three (3) years from the date of the order. The order also allows the Board to enter an order denying any future applications unless the Applicant provides evidence sufficient to convince the Board that she has been abstinent from drugs and alcohol for at least one (1) year immediately preceding the application. Evidence must include at least fifty-six (56) random drug tests by an approved drug testing program.

- iv. Finally, if the Board decides to grant Applicant a nursing license at any time in the future, the terms and conditions of the Board's standard five year impairment order will apply to her license.
    - d. On November 6, 2008, the Board considered Applicant's request for reinstatement of her nursing license which she had surrendered. The Board denied the petition because the Applicant had not fulfilled the requirements of Order LS0706214NUR.
    - e. On June 18, 2010, October 22, 2010, and September 17, 2014, the Applicant again petitioned the Board for reinstatement. Each petition for reinstatement was denied due to the Applicant's failure to provide the Board with sufficient evidence she had been abstinent from drugs and alcohol for at least one (1) year.
3. On or about February 15, 2016, Applicant reapplied for licensure as a Registered Nurse, which was subsequently denied by the Board by letter dated June 6, 2016. The Board once again found that Applicant had not complied with the terms of previous Board orders requiring a showing of abstinence.
  - a. The Board determined the reinstatement provisions in Order LS0706214NUR, provided sufficient grounds for denial of reinstatement.
  - b. Based on the facts described in paragraph 2. above, the Board determined that the denial of the Applicant's application for reinstatement of her Registered Nurse license was necessary to protect the public health, safety, or welfare.
4. On or about June 16, 2016, Applicant submitted a request for a hearing on the June 6, 2016 denial. Applicant's request for a hearing was subsequently granted.
5. Applicant has provided the Board with information showing she has been enrolled in an approved drug testing program consistently beginning in December 2014 to present.
  - a. Applicant's drug testing currently includes fifty-six (56) random drug tests. However, Applicant's testing history for the past year shows:
    - i. Ten (10) missed check-ins,
    - ii. One (1) missed test,
    - iii. One (1) late test outside of the five (5) hour testing window,
    - iv. Twenty-three (23) abnormal tests, and
    - v. Two (2) dilute tests.
  - b. Applicant also submitted to two (2) hair tests on December 14, 2016, and March 9, 2016. The results of both hair tests were negative.
6. In resolution of this matter, the Board and the Applicant agree that Applicant may be granted a limited license subject to the terms specified in the Order below.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Wis. Stat. §§ 440.08(4), 441.06, and 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. The reinstatement provisions in Order LS0706214NUR provide sufficient grounds for denial of Applicant's request for reinstatement.
3. Based on Applicant's prior discipline and non-compliance with Board orders, the Board has the right to deny the Applicant's applicant for reinstatement of her Registered Nurse license to protect the public health, safety, or welfare pursuant to Wis. Stat. § 440.08(4).
4. Applicant's prior discipline against her license to practice nursing in Wisconsin has resulted in her license being limited, suspended, and surrendered, which provides grounds to deny reinstatement pursuant to Wis. Stat. § 441.07(1g)(d) and Wis. Admin. Code §§ N 7.03(1)(b) and N 7.03(1)(g).

### ORDER

1. The attached Stipulation is accepted.
2. The Board RESCINDS the Notice of Denial dated June 6, 2016.
3. Applicant, KRISTINE KOHLMANN'S application to reinstate her Registered Nurse license is GRANTED subject to the following LIMITATIONS:

#### NURSING REFRESHER COURSE

- X.1. Applicant's license to practice as a Registered Nurse in the state of Wisconsin is for the SOLE PURPOSE of enabling Applicant to complete a Board-approved nursing refresher course.
  - a. The Applicant is NOT permitted to use the limited license granted under this paragraph to engage in any employment as a nurse in Wisconsin or pursuant to the Uniform Nurse Compact.
  - b. The limited license shall be valid for one (1) year from the date of issuance.
  - c. Within one (1) year from the date of issuance, the Applicant shall submit evidence satisfactory to the Board of successful completion of the Board-approved nursing refresher course.
- X.2. Upon receipt of proof of successful completion of the nursing refresher course, the limitation of X.1. shall be removed and Applicant's license shall be LIMITED as follows:

## SUSPENSION

- A.1. The license of Kristine Kohlmann, R.N., (license number 102444-30), to practice as a professional nurse in the State of Wisconsin is SUSPENDED for an indefinite period.
- A.2. The privilege of Kristine Kohlmann, R.N., to practice as a nurse in the State of Wisconsin under the authority of another state's license pursuant to the Nurse Licensure Compact is also SUSPENDED for an indefinite period.
- A.3. During the pendency of this Order and any subsequent related orders, Applicant may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Applicant receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.
- A.4. Upon a showing by Applicant of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active nursing for every year the suspension is stayed, the Board may grant a petition by the Applicant under paragraph D.6. for return of full Wisconsin licensure. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

## STAY OF SUSPENSION

- B.1. The suspension of Applicant's Wisconsin nursing license may be stayed upon Applicant petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Applicant is in substantial or repeated violation of any provision of Sections C or D 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 the Applicant for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Applicant either by:
  - a. Mailing to Applicant's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
  - b. Actual notice to Applicant or Applicant's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Applicant 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.
- B.5. If Applicant 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 sixty (60) days of receipt of Applicant's request, unless waived by Applicant. Requesting a hearing does not stay the suspension during the pendency of the hearing process

## CONDITIONS AND LIMITATIONS

### Treatment Required

- C.1. Applicant shall enter into, and shall continue, drug and alcohol treatment with a Treater acceptable to the Board or its designee (Treater). Participation shall begin within 30 days of the date of this Order. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Applicant shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Applicant's rehabilitation and treatment as required under the term 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 (see D.1. below). If Treater is unable or unwilling to serve as Treater, Applicant shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. 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 D.5., below.
- C.5. 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 the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

### Releases

- C.6. 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, 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, treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

### AA/NA Meetings

- C.7. Applicant shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an approved equivalent program for recovering professional, at the frequency recommended by Treater, but no less than twice per week. Attendance of Applicant at such meetings shall be verified by the speaker or chair and reported quarterly to Treater and the Department Monitor.

### Sobriety

- C.8. Applicant shall abstain from all personal use of alcohol.
- C.9. Applicant 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. 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, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- C.10. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Applicant shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds or any products containing alcohol) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's test results, treatment or rehabilitation, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph C.11. It is Applicant's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- C.11. Applicant shall report to Treater and the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (24) hours of ingestion or administration, fill or refill 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.

### Drug and Alcohol Screens

- C.12. Applicant shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department Monitor (Approved Program). Participation shall begin no later than 30 days of the date of this Order.



- C.13. 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.14. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) urine screens per year, for at least the first year of this Order. Thereafter the board may adjust the frequency of testing on its own initiative at any time.
- C.15. 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.
- C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Applicant 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.
- C.17. All confirmed positive test results shall be presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- C.18. The Approved Program shall submit information and reports to the Department Monitor as directed.

#### Practice Limitations

- C.19. Applicant shall provide a copy of this Order, all previous Orders and any future Order to her employer's human resources department and direct supervisor at all settings where Applicant works as a registered nurse or care giver or provides health care, currently or in the future, during the duration of the limited license.
- C.20. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Applicant practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and 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.

- C.21 Applicant may not work in a home health care, hospice, pool nursing, assisted living, agency, or as a nurse in a correctional setting.
- C.22. Applicant shall practice only in a work setting pre-approved by the Board or its designee. Requests for preapproval must be accompanied by a current job description, name and contact information of the direct supervisor, and written acknowledgment from the employer that a copy of this Order has been received and that the restrictions will be accommodated
- C.23. Applicant may work as provider in a setting in which Applicant has access to controlled substances. If Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.
- C.24. Pursuant to 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 Board and the regulatory board in the state in which Applicant proposes to practice.
- C.25. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

#### MISCELLANEOUS

##### Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Department of Safety and Professional Services  
1400 E. Washington Ave.  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

##### Required Reporting by Applicant

- D.2. 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.
- D.3. Applicant shall submit self-reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. The reports shall include a summary of Applicant's compliance with the terms and conditions of the Order in the previous quarter, Applicant's current address and home telephone number. The self-report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

Change of Treater or Approved Program by Board

D.4. 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

Petitions for Modification of Limitations or Termination of Order

D.5. Applicant may petition the Board on an annual basis for modification of the terms of this Order, but no petition for modification shall be considered sooner than one (1) year from the date of this Order. Any petition for modification shall be accompanied by a written recommendation from Applicant'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 Applicant shall not have a right to any further hearings or proceedings on the denial.

D.6. Applicant may petition the Board for full, unrestricted licensure upon demonstration of continuous, successful compliance with the terms of the Order for at least five (5) years, including at least 600 hours of active nursing practice each year.

Costs of Compliance

D.7. Applicant 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

D.8. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 27 day of August, 2016

WISCONSIN BOARD OF NURSING

By:   
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR :  
REINSTATEMENT OF REGISTERED NURSE :  
LICENSE :

KRISTINE KOHLMANN, :  
APPLICANT. :

**STIPULATION**

**0004895**

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

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

Dated this 24 day of August, 2016

Kristine Kohlmann  
Kristine Kohlmann, Applicant

STATE OF WISCONSIN  
BOARD OF NURSING

Dated this 29 day of August, 2016

By: [Signature]  
Member of the Board