

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

LISA A. BRUMMOND, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005204

Division of Legal Services and Compliance Case No. 16 NUR 222

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

Lisa A. Brummond, R.N.
1012 Main Street
Eau Claire, WI 54701

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 Lisa A. Brummond, R.N., (dob August 11, 1980) is licensed in the State of Wisconsin as a professional nurse, having license number 167237-30, first issued on January 13, 2010 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1012 Main Street, Eau Claire, Wisconsin 54701.

2. On September 15, 2011, the Nevada State Board of Nursing (Nevada Board) issued an order (Nevada Order) requiring Respondent to comply with terms and conditions including abstaining from use of alcohol and/or drugs.

3. The Nevada Order was based on the fact that Respondent tested positive, while on duty, for hydrocodone, marijuana and methamphetamine.

4. On January 26, 2012, the Board issued a Final Decision and Order (Order number 1324) based on the Nevada Order. The Board reprimanded Respondent and limited her Wisconsin license including requiring compliance with the Nevada Order, providing written verification on a quarterly basis of continued compliance with the Nevada Order and submitting all documentation to the Board all documentation required to be submitted to the Nevada Board to prove compliance with the Nevada Order.

5. On November 1, 2013, Respondent violated her Nevada Order by testing positive for marijuana during a random drug screen.

6. On or about April 4, 2016, Respondent tested positive for alcohol, in violation of her Nevada Order.

7. On April 23, 2016, Respondent voluntarily surrendered her Nevada nursing license. The surrender was accepted by the Nevada Board on May 19, 2016.

8. 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 paragraph 5 of the Findings of Fact, Lisa A. Brummond, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.04(2)¹, by administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

3. By the conduct described in paragraphs 4 & 5 of the Findings of Fact, Lisa A. Brummond, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.04(14)², by violating any terms, provision or condition of any order of the board.

4. By the conduct described in paragraphs 4 & 6 of the Findings of Fact, Lisa A. Brummond, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(g), by violating any term, provision or condition of any order of the board.

5. By the conduct described in paragraph 5 of the Findings of Fact, Lisa A. Brummond, R.N., engaged in unprofessional conduct as defined by 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 discipline in another state, territory, or country.

¹ All references to Wis. Admin. Code § N 7.04 refer to the Code as it existed before August 1, 2014.

² All references to Wis. Admin. Code § N 7.04 refer to the Code as it existed before August 1, 2014.

6. As a result of the above conduct, Lisa A. Brummond, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d)³.

7. As a result of the above conduct, Lisa A. Brummond, 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 Lisa A. Brummond, R.N., (license number 167237-30) 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 Wisconsin nursing license may be stayed upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has complied with the following:
 - a. Respondent shall, at her own expense undergo an AODA assessment with a pre-approved treater.
 - b. Prior to the assessment, Respondent shall provide a copy of this Order, all Nevada Orders and Order number 1324 to the treater. Respondent shall provide the Department Monitor with written acknowledgment from the treater that a copy of these orders has been received. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
 - c. Respondent shall provide and keep on file with treater 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 obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
 - d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
 - e. Respondent shall comply with treaters recommendations.
 - f. The Board, or its designee, may limit Respondent's license in a manner to address concerns of the Board and address recommendations resulting from the assessment.

³ (2011-2012)

4. The professional nursing license issued to Lisa A. Brummond, R.N., (license number 167237-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- a. For a period of at least two (2) years from the date of this Order:
 - i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
 - ii. 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 monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 2. 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.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times 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.
 - iii. 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, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

- iv. Respondent shall report to 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.
- v. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances, create false positive screening results, or interfere with Respondent'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 4(a)iv.
- vi. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- vii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, 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.
- viii. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- ix. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- x. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. Respondent shall provide the Department Monitor

with written acknowledgment from each nursing employer that Respondent does not have access to controlled substances. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days from the date of this Order for any current employer and on a quarterly basis thereafter from each nursing employer.

5. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent'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 Respondent proposes to practice.

6. The Board or its designee may, without hearing, suspend Respondent's nursing license upon receipt of information that Respondent is in substantial or repeated violation of any provision of this Order. A substantial violation includes, but is not limited to, a positive drug screen. A repeated violation is defined as the multiple violations of the same provision or violation of more than one provision. The Board or its designee may, in conjunction with the suspension, prohibit Respondent from seeking termination of the suspension for a specified period of time.

7. The Board or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee.

8. After the first year from the date of this Order, Respondent may petition the Board on an annual basis for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, the Respondent may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

9. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$751.00.

10. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

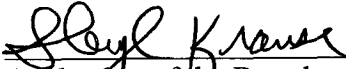
11. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of

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 undergo AODA assessment, fails to comply with treater recommendations, fails to enroll or participate in an approved program, fails to comply with the approved program, fails to abstain from non-prescribed controlled substances or illicit drugs, fails to practice only in pre-approved work settings, fails to show a copy of the Order to her employers, fails to provide acknowledgement from her nursing employers that they have reviewed a copy of the Order, works in a setting where she has access to controlled substances, fails to provide acknowledge that she does not have access to controlled substances or fails to submit payment of costs as set forth above, Respondent's license (no. 167237-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has undergone AODA assessment, complied with treaters recommendations, enrolled and participated in an approved program, complied with the approved program, abstained from taking non-prescribed controlled substances, abstains from use of illicit drugs, obtained pre-approval of work settings, provided acknowledgment that she has shown a copy of the Order to employers, works in a setting where she does not have access to controlled substances, provided acknowledgment from her employer that she does not have access to controlled substances and complied with payment of the costs.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

3-9-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LISA A. BRUMMOND, R.N.,
RESPONDENT.

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STIPULATION

0005204

Division of Legal Services and Compliance Case No. 16 NUR 222

Respondent Lisa A. Brummond, 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.

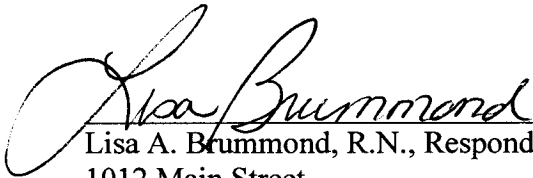
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

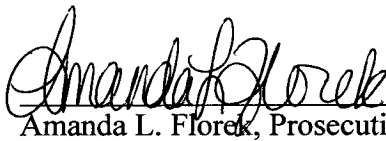
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Lisa A. Brummond, R.N., Respondent
1012 Main Street
Eau Claire, WI 54701
License nos. 167237-30

2-8-17
Date



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

2/14/17
Date