

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

TANYA R. NEATH, L.P.N., R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005980**

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Division of Legal Services and Compliance Case Nos. 17 NUR 146 and 17 NUR 418

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

Tanya R. Neath, L.P.N., R.N.  
710 Kari Street, Apt. 2  
Belleville, WI 53508

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 Tanya R. Neath, L.P.N., R.N., (DOB: October 20, 1984) is licensed in the State of Wisconsin as a professional nurse, having license number 226377-30, was first issued on January 25, 2016, and current through February 28, 2020. Respondent licensed in the state of Wisconsin as a practical nurse, having license number 316658-31, first granted on March 27, 2013, and expired on April 30, 2017. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until April 29, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 710 Kari Street, Apartment 2, Belleville, Wisconsin 53508.

17 NUR 146

2. Between January of 2013, and March of 2016, Respondent was employed as a professional nurse at a rehabilitation center (Center), located in Stoughton, Wisconsin. Respondent was also employed at the Center from December of 2016, through May of 2017.

3. On February 25, 2017, Nurse A reported to the Center's weekend manager that someone had forged her name on Patient A's Controlled Drug Use Record (CDUR). Patient A's prescription was for one (1) oxycodone IR 30 mg tablet. Nurse A stated she administered the medication on February 24, 2017 at 8:00 a.m. She recalled that it was for the last pill on the card. Nurse A noticed a forged signature on a different CDUR for the first pill dispensed for the same time and date.

4. The Center initiated an investigation regarding the February 24, 2017 report of forgery.

5. On February 24, 2017, Respondent worked the first shift on the first floor of the Center, as well as the second shift on the third floor of the Center. She reported for the second shift at approximately 2:30 p.m. She cared for Patient A on this date. Patient A was located on the third floor.

6. The Center's investigation uncovered irregularities in Respondent's oxycodone administration.

7. On February 24, 2017, Respondent documented administering Patient B (2) oxycodone IR 5 mg tablets on three (3) occasions. Two of these doses were signed by Respondent. The signature and time stamp were illegible for the third dose. Patient B stated that he received only two doses.

8. On February 24, 2017, Respondent documented administering Patient C two (2) oxycodone IR 5 mg tablets on two (2) occasions. The time of the administration was at times that Patient C was receiving dialysis and not in the facility. Upon being asked, Respondent was unable to state the time she administered the medication. Patient C stated he received medications after dialysis.

17 NUR 418

9. Between June and September of 2016, Respondent was employed as a professional nurse at an assisted living facility (Facility), located in New Glarus, Wisconsin.

10. On July 26, 2016, Respondent was caring for Patient A, a female who was prescribed 0.5 mL of morphine, hourly for pain.

11. On July 26, 2016, Respondent documented in Patient A's controlled substance record (CSR) that she administered 0.5 mL of morphine a total of nine (9) times between 7:00 a.m. and 3:00 p.m.

12. Respondent was the only R.N. to document on this CSR. Respondent did not document the amount on hand for the first entry, which was recorded at 7:00 a.m. The medication listed on the CSR was "Morphine 20 mg/mL". The first entry indicated that she administered 0.5 mL morphine to Patient A and that 5.0 mL of morphine remained.

13. For the last entry of the CSR, Respondent documented administering at 3:00 p.m. 0.5 mL of morphine. She noted that 1.0 mL of morphine remained. Directly below the 3:00 p.m. entry, Respondent wrote "0" morphine with no other commentary regarding this notation.

14. A separate CSR for the same patient and medication showed that Respondent documented dispensing 0.5 ml of Morphine for Patient A on July 26, 2016, at 3:00 p.m. Respondent was the first person to dispense on this CSR. She did not note the amount on hand. Respondent indicated the amount remaining was 14.5 mL after dispensing the 3 p.m. dose on July 26, 2016.

15. On September 7, 2016, Respondent was caring for Patient B, a female who was prescribed two (2) oxycodone hcl 0.5 mg tablets, twice daily for pain.

16. On September 7, 2016, Respondent documented on Patient B's CSB that she administered two (2) tablets of oxycodone hcl 0.5 mg at 8:30 a.m. This entry was modified to note that the two tablets were dropped on the floor. Respondent then recorded a second entry at the same time for administering two (2) tablets of oxycodone hcl 0.5 mg at 8:30 a.m.

17. Respondent put the dropped pills in a dish with applesauce at 8:30 a.m. At approximately 3:00 p.m. that day, Respondent asked Nurse C to witness destruction of the two (2) oxycodone tablets for Patient B that she had dropped on the floor that morning.

18. The pills in the dish of applesauce had dissolved. Nurse C stated she was not comfortable witnessing the destruction.

19. The policy for destruction of medications required two (2) nurses to be present and the medication was to be destroyed in the "drug buster" machine. Nurse C reported the "applesauce" destruction to the Facility's human resource department.

20. On September 8, 2016, Respondent was terminated from the Facility and was advised to self-report the incident to the Department.

#### AODA

21. Respondent denies that she took medications from patients, but admits to an opioid dependence for which she has sought treatment.

22. On August 24, 2017, Respondent was seen for an initial visit at an opioid addiction treatment center (TC) in Madison, Wisconsin, and diagnosed with opioid-type dependence, continuous. A saliva drug test on that date was positive for THC, amphetamines, opiates, and buprenorphine. Respondent was prescribed Suboxone® for opioid dependence.

23. On September 18, 2017, Respondent was seen for a maintenance session at the TC.

24. In November 2017, Respondent reported compliance since beginning therapy. Treatment provider recommended a taper of Suboxone®, which Respondent was in agreement.

25. 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. Pursuant to Wis. Stat. § 961.16(2)(a)11., oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. Pursuant to Wis. Stat. § 961.16(2)(a)10., morphine is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

4. By the conduct described in the Findings of Fact, Respondent, violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.

5. By the conduct described in the Findings of Fact, Respondent, violated Wis. Admin. Code § N 7.03(6)(c) by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.

6. By the conduct described in the Findings of Fact, Respondent, violated Wis. Admin. Code § N 7.03(8)(e) by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

7. As a result of the above conduct, Respondent, is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Tanya R. Neath, L.P.N., R.N., is REPRIMANDED.

3. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo an AODA assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.

- b. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- c. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department 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. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- f. Respondent shall comply with the evaluator's recommendations.

4. The professional nursing license issued to Tanya R. Neath, L.P.N., R.N. (license numbers 226377-30 and 316658-31) 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 and alcohol 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 alcohol.
- iv. 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.
- v. 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.
- vi. 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 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, in which case the drug must be reported as described in the paragraph 3(a)v.
- vii. 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.
- viii. 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.

- ix. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- x. 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.
- xi. Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting.
- xii. Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
- xiii. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

5. Pursuant to Uniform Nurse Licensure Compact and enhanced Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

6. 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.

7. Within 120 days from the date of this Order, Tanya R. Neath, L.P.N., R.N., shall pay COSTS of this matter in the amount of \$1,261.00.



8. 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

9. In the event Respondent violates any term of this Order, Respondent's license (no. 226377-30), or Respondent's right to renew her license (no. 316658-31), may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied 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.

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

WISCONSIN BOARD OF NURSING

by:   
A Member of the Board

12-13-18  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

TANYA R. NEATH, L.P.N., R.N.,  
RESPONDENT.

STIPULATION

0005980

Division of Legal Services and Compliance Case Nos. 17 NUR 146 and 17 NUR 418

Respondent Tanya R. Neath, 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. Respondent  
is represented by Attorney Daniel Icenogle.


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.

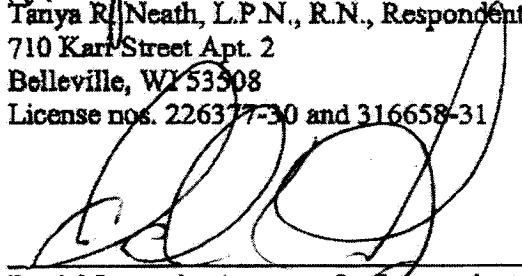
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

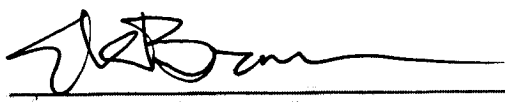
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
 Tanya R. Neath, L.P.N., R.N., Respondent  
 710 Kart Street Apt. 2  
 Belleville, WI 53508  
 License nos. 226377-30 and 316658-31

11/5/18  
 Date

  
 Daniel Icenogle, Attorney for Respondent  
 Icenogle & Associates LLC  
 S7563 Riley Road  
 Readstown, WI 54652

11/5/18  
 Date

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

11/6/18  
 Date