

## 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 THE	:	ORDER GRANTING STAY AND
DISCIPLINARY PROCEEDINGS AGAINST	:	IMPOSING LIMITATIONS
	:	
PAULA J. CARTER, R.N.,	:	ORDER0003210
RESPONDENT.	:	

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TO: PAULA J CARTER, R.N.  
5534 LARRY LANE  
MADISON WI 53704

On May 8, 2014, the Wisconsin Board of Nursing (Board) issued a Final Decision and Order (Order) suspending Respondent's Registered Nurse license (#187352-30) for an indefinite period. Respondent may petition the Board for a stay of suspension upon completing a fitness for duty assessment and an Alcohol and Other Drug Abuse (AODA) assessment, providing proof that Respondent is able to practice with reasonable skill and safety to patients and the public.

If the Board determines to grant a stay of suspension, Respondent's license shall be limited in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and any recommendations resulting from the assessments.

On December 13, 2018, the Board reviewed and accepted the reports resulting from Respondent's fitness for duty assessment and AODA assessment. Respondent has provided proof that she is able to practice nursing with reasonable skill and safety to patients and the public under the following terms and conditions:

ORDER

1. The suspension of Respondent's Registered Nurse license (#187352-30) is hereby STAYED.

2. The Registered Nurse license (#187352-30) issued to Respondent to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, is LIMITED as follows:

a. For a period of at least two (2) years from the date of this Order:

Alcohol Abuse Treatment Required

i. Within in thirty (30) calendar days from the date of this order, Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (AODA Treater). Respondent shall

participate in, cooperate with, and follow all treatment recommended by AODA Treater.

- ii. Respondent shall immediately provide AODA Treater with a copy of the Final Decision and Order dated May 8, 2014, the Psychological Assessment Summary Fitness for Duty Report dated May 21, 2018, the UW Health Behavioral Health and Recovery Assessment dated October 18, 2018, this Order, and all other subsequent orders.
- iii. AODA 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 of Safety and Professional Services Monitor (Department Monitor) (See section 4., below). If AODA Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval for a successor AODA Treater by the Board or its designee.
- iv. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by AODA Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by section 3., below.
- v. AODA 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. AODA Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

**Mental Health Counseling Required**

- vi. Within in thirty (30) calendar days from the date of this order, Respondent shall provide proof to the Department Monitor that she is continuing mental health treatment with a psychotherapist or other mental health treater (Mental Health Treater) acceptable to the Board or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by her Mental Health Treater.
  - 1. Respondent's treatment shall address, but is not limited to:
    - a. Respondent's trauma issues outlined in the May 21, 2018, Psychological Assessment Summary Fitness for Duty Report.
- vii. Respondent shall immediately provide her Mental Health Treater with a copy of the Final Decision and Order dated May 8, 2014, the Psychological Assessment Summary Fitness for Duty Report, this Order, and all other subsequent orders.

- viii. The mental health counseling shall include individual and/or group therapy sessions at a frequency to be determined by Mental Health Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by section 3., below.
- ix. Mental Health 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 her mental health counseling. Mental Health Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

**Change of AODA Treater, Mental Health Treater or Approved Program by Board**

- x. If the Board or its designee determines the AODA Treater, Mental Health 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 AODA Treater, Mental Health Treater, or Approved Program.

**Releases**

- xi. Respondent shall provide and keep on file with AODA Treater and Mental Health Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. Copies of these releases shall immediately be filed with the Department Monitor. 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:
  - 1. obtain all specimen screen results and patient health care and treatment records and reports,
  - 2. discuss the progress of Respondent's treatment and rehabilitation with AODA Treater and treatment facilities and personnel, laboratories and collection sites,
  - 3. discuss the progress of Respondent's mental health treatment with her Mental Health Treater and treatment facilities and personnel.

**AA/NA Meetings**

- xii. 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.

**Sobriety**

- xiii. Respondent shall abstain from all personal use of alcohol.

- xiv. 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.
- xv. 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.
- xvi. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. 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, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph xiv. It is Respondent's responsibility to educate himself or herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.

#### **Drug and Alcohol Screens**

- xvii. 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.
- xviii. 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.
- xix. The Approved Program shall require the testing of specimens at a frequency of not less than twenty-eight (28) times per year, for the first year of this Order. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests. The board may adjust the frequency of testing on its own initiative at any time.
- xx. 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.
- xxi. 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.

#### **Practice Limitations**

- xxii. Respondent may work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. If AODA Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.
- xxiii. 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.
- xxiv. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- xxv. Respondent may not work in a home health, group homes, hospice, assisted living facilities, pool nursing, correctional facility, through temporary placement agencies or agency setting.
- xxvi. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future, during the duration of the limited license. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring 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.

- xxvii. 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**

- xxviii. 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.
- xxix. Respondent 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 Respondent's compliance with the terms and conditions of the Order in the previous quarter, Respondent'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.
- xxx. 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.

#### **Cost of Compliance**

- xxxi. 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.

3. 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 (1) year from the date of this Order. Any petition for modification shall be accompanied by a written recommendation from Respondent's AODA Treater or Mental Health Treater expressly supporting the specific modifications sought. 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. 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.

4. Pursuant to the Enhanced Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

5. In addition to any other action authorized by this Order or law, the Board, in its discretion, may impose additional limitations or pursue separate disciplinary action for violation of any term of this Order.

6. Any requests, petitions, reports and other information required by all orders shall be mailed, emailed, 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  
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>

7. All terms and conditions of the Order remain in full force and effect.

8. This order is effective the date of its signing.

WISCONSIN BOARD OF NURSING

By:

*Peter Kallio*

A Member of the Board

Date

*1/15/2019*