

## 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  
RENEWAL OF A REGISTERED NURSE  
LICENSE

ORDER GRANTING  
LIMITED LICENSE

RACHEL A. GRUETT  
APPLICANT.

0006120

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

Rachel A. Gruett  
W2947 County Road P  
Merrill, WI 54452.

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. Rachel A. Gruett, R.N. (Applicant) filed an application for renewal of her Wisconsin registered nurse license (no. 220481-30). Such license, first issued on January 15, 2015, was scheduled for renewal by February 28, 2018. Applicant's request to renew was timely.

2. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W2947 County Road P, Merrill, WI 54452.

3. Information received in the renewal application process reflects that Applicant has the following conviction:

- a. On or about April 13, 2016, Applicant was charged in Lincoln County Circuit Court, case number 2016CF000090, with one (1) count of Theft-Movable Property (Special Facts), a class H felony, in violation of Wis. Stat. § 943.20(1)(a), and one (1) count Obtain Prescription Drug with Fraud, a class U misdemeanor, in violation of Wis. Stat. § 450.11(7)(a).
- b. On or about September 8, 2016, Applicant was found guilty of an amended charge of county Disorderly Conduct, a class U forfeiture, in violation of Lincoln County Code of Ordinances § 9.947.01 in case number 2016CF000090. The charge of Obtain Prescription Drug with Fraud was dismissed but read in for sentencing purposes. Applicant was sentenced to \$100.00 forfeiture plus costs.
  - i. Per the Incident Report Narrative, the assistant director at the nursing home where Applicant was employed called the police because she learned that narcotics were said to be destroyed by Applicant. The assistant director suspected that the pills were never destroyed by Applicant, and that Applicant may have stolen the pills for personal use.
  - ii. Applicant admitted to an officer of the Merrill Police Department that she did destroy thirty (30) Vicodin pills during the night shift at the nursing without another nurse witnessing the destruction, in violation of the Nursing Home's protocol and procedure. The other nurse refused to sign the form because she did not witness the destruction of pills. The report notes that Applicant did not have a good excuse for not following the nursing home's protocol.
  - iii. Applicant admitted to the officer that she later tried to get one of the other nurses to sign a form saying that she destroyed pills. Applicant further stated that she knew she had made a mistake by not having another witness to the destruction of pills. Applicant advises that she threw the pills into the bin where all of the other pills that are destroyed.
  - iv. During the police interview, the administrator for the nursing unit of the nursing home (Administrator) told Applicant "that it appeared as if Applicant may have stolen the pills, or at least tried to steal them". The administrator told Applicant that there was a very good chance that Applicant would lose her job, and possibly her nursing license as a result of her actions. Administrator also told Applicant "that if she has a problem (meaning an addiction problem) they would try to help her with her problem and also try to save her nursing license." The report notes that Applicant became emotional at this time and asked if she could speak with Administrator privately, at which time the officer left the room.
  - v. Following the private conversation, Administrator informed the officer that Applicant admitted that she had not destroyed 30 Vicodin tablets, but had thrown them in the garbage and intentionally did not follow the nursing home's procedure for destruction of pills. Applicant confirmed this admission to the officer and indicated that she hid the pills in a toilet paper roll in the garbage in an employee bathroom. The pills were found in a toilet paper roll as described.
  - vi. Applicant further admitted that she had not destroyed the pills correctly and that she had tried to act like the pills were destroyed.

4. Information received in the renewal process reflects that the Applicant has the following termination:

- a. Prior to March 15, 2018, Applicant was employed as a registered nurse at Ascension Saint Claire Hospital, located in Weston, Wisconsin.
- b. On or about March 15, 2018, Applicant was given a reasonable suspicion drug screen and tested positive for hydrocodone/hydromorphone. Applicant did have a prescription for hydrocodone, although it was not current. Subsequently, Applicant was terminated for violating Ascension's Drug and Alcohol-Free Workplace Policy.

5. Applicant is the Respondent in cases numbers 16 NUR 148 and 18 NUR 209, pending with the Wisconsin Department of Safety and Professional Services, Division of Legal Services and Compliance.

6. In resolution of this matter, Applicant 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. §§ 15.08(5)(c) and 227.44(5).

2. The Board may deny the renewal of a license if the registered nurse committed a violation of Wis. Stat. § 441.07(1g).

3. By the conduct stated in the above Findings of Fact, Applicant violated Wis. Stat. § 441.07(1g)(b) and Wis. Admin. Code §§ N 7.03(2) and 7.03(8)(e) as Applicant's conviction and termination are substantially related to the practice of nursing and, Applicant attempted to divert medication without lawful authority.

4. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. § 441.07(1g)(c) by committing acts which show Applicant to be unfit or incompetent by reason of abuse of alcohol or other drugs.

5. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. § 441.07(1g)(d) and Wis. Admin. Code §§ N 6.03 and N 6.05 as Applicant committed acts which constitute unprofessional conduct.

6. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 441.07(1g)(b) and (c).

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

### ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's license are necessary to ensure that she is fit and competent to practice as a Registered Nurse.
3. Applicant's renewal of her Registered Nurse license is granted subject to the following limitations.
4. The registered nurse license issued to Applicant (license no. 220481-30) to practice professional 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:
    - i. Applicant 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 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:
      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. Applicant shall abstain from all personal use of alcohol.
    - iv. 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, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

- v. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. 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, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Applicant 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 Applicant'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)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. Applicant 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, 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.
- ix. For a period of at least two (2) years while working at least half-time as a nurse, Applicant shall work only under direct supervision, and only in a work setting pre-approved by the Board or its designee.
- x. Applicant shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Applicant 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. 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.

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

6. A violation of this Order includes a positive drug or alcohol screen.

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

- i. Prior to the assessment, Applicant shall provide a copy of this Order to the evaluator. Applicant 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.
- ii. Applicant 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
- iii. Applicant shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Applicant has been treated or evaluated.
- iv. The Board, or its designee, may impose additional limitations upon Applicant's license based on the results of the assessment and/or the evaluator's recommendations.
- v. Applicant shall comply with the evaluator's recommendations.

8. After the first year from the date of this Order, Applicant 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 Applicant 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. Submission of information required by this Order shall be sent by Applicant 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>

10. In the event Applicant violates any term of this Order, Applicant's license (no. 220481-30), or Applicant's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant 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. 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.

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

WISCONSIN BOARD OF NURSING

by: Peter Kallio <sup>(las)</sup>  
A Member of the Board

4/5/2019  
Date



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR  
RENEWAL OF A REGISTERED NURSE  
LICENSE

RACHEL GRUETT, R.N.,  
APPLICANT.

STIPULATION

0006120

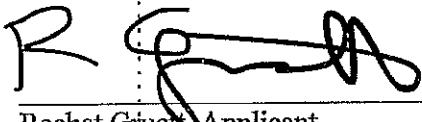
It is stipulated between the Applicant and the Wisconsin Board of Nursing as follows:

1. The Applicant has filed an application to renew a Registered Nurse license.
2. Information received by the Board reflects a basis for denial of the renewal of the licensure.
3. Based upon the information of record herein, the Board agrees to issue, and the Applicant agrees to accept, an Order granting a renewal of license as a Registered Nurse, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - the right to request a hearing related to the denial of the application;
  - the right to confront and cross-examine the witnesses against Applicant;
  - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
  - the right to testify on Applicant'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 the Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Applicant is represented by attorney James Koppelman.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (ENLC) and the Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the ENLC.



Rachet Grueth, Applicant  
W2947 County Road P  
Merrill, WI 54452  
License no. 519214-30

4/4/19  
Date



James Koppelman, Attorney for Applicant  
Schmitt & Koppelman, S.C.  
1029 East Main Street  
P.O. Box 176  
Merrill, WI 54452

4-4-19  
Date

 (dos)

A Member of the Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53707-7190

4/5/2019  
Date