

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER IMPOSING LIMITATIONS
	:	
KRISTINA N. KENDALL, L.P.N.,	:	
RESPONDENT.	:	ORDER0006174

TO: KRISTINA N KENDALL LPN
PLEASANT PRAIRIE WI 53158

On May 9, 2019, the Wisconsin Board of Nursing (Board) issued a Final Decision and Order (Order) reprimanding Respondent's Practical Nurse license, and further limiting her license with certain terms and conditions including, but not limited to, completion of an Alcohol and Other Drug Abuse (AODA) assessment by a Board-approved evaluator. 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.

On November 14, 2019, the Board reviewed the AODA assessment from encounter date July 9, 2019 (AODA assessment). Based upon the information of record, the AODA assessment, and the evaluator's recommendations, the Board finds and makes the following:

ORDER

1. Respondent's Practical Nursing License (#321466-31) is further LIMITED as follows:

Practice Limitations

- A.1. Respondent 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 Respondent works as a Practical Nurse or care giver or provides health care, currently or in the future, during the duration of the limited license. Respondent shall provide the Department of Safety and Professional Services Monitor (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 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.
- A.2. It is Respondent's responsibility to arrange for written reports from her direct supervisor to be provided to the Department Monitor on a quarterly basis. These reports shall assess Respondent's work performance, attendance and include the number of hours of active nursing practice worked during that quarter.
- A.3. Pursuant to the Nurse Licensure Compact and the Enhanced 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 Board and the regulatory board in the state in which Respondent proposes to practice.

- A.4. Respondent 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.

AODA Treatment Required

- A.5. Respondent shall enter into and continue, in an alcohol/drug addiction program with a Treater acceptable to the Board or its designee. Participation shall begin within 30 days of the date of this Order. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- A.6. Respondent shall immediately provide Treater with a copy of this Order, a copy of her AODA assessment, and all other subsequent orders.
- A.7. Treater shall be responsible for coordinating Respondent's rehabilitation, alcohol/drug monitoring and treatment program 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 Monitor. If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- A.8. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. The Respondent's AODA treatment shall include at minimum completion of psychoeducation regarding substance use and decision making.

Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by B.5., below.

- A.9. Respondent's 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 the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- A.10. Respondent 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 Division to:
- (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
- (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

Sobriety

- A.11. Respondent shall abstain from all personal use of alcohol.
- A.12. 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.
- A.13. 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 rehabilitation. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- A.14. 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.

Drug and Alcohol Screens

- A.15. Respondent shall participate in a drug and alcohol monitoring program which is approved by the Department Monitor (Approved Program). Participation shall begin within 30 days of the date of this Order.
- A.16. 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:
 - (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.
- A.17. The Approved Program shall require the testing of specimens at a frequency of not less than 28 urine screens and one hair test per year. Respondent may petition the Board on an annual basis for a modification of the frequency of tests pursuant to provision B.5. below. The board may adjust the frequency of testing on its own initiative at any time.
- A.18. 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.
- A.19. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following:

- (a) submit additional urine specimens,
- (b) submit blood, hair or breath specimens,
- (c) furnish any specimen in a directly witnessed manner.

A.20. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

MISCELLANEOUS

Department Monitor

B.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
DPSMonitoring@wisconsin.gov

Required Reporting by Respondent

- B.2. 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.
- B.3. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of the change. Additionally, Respondent shall report any convictions or disciplinary action taken against any license within 48 hours of receipt of the judgment of conviction or final order. Every three (3) months, Respondent shall notify the Department Monitor of Respondent's compliance with the terms and conditions of the Order and shall provide the Department Monitor with a current address and home telephone number.

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

- B.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 Respondent continue treatment and rehabilitation under the direction of another Treater, Approved Program, or Mental Health Treater.

Petitions for Modification of Limitations or Termination of Order

- B.5. Respondent 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. 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.

- B.6. Respondent may petition the Board for full, unrestricted licensure upon demonstration of continuous, successful compliance with the terms of the Order for at least two (2) years, including at least 600 hours of active nursing practice each year. "Practice in compliance" includes the submission of work reports and treater reports, the content of which are satisfactory to the Board.

Costs of Compliance

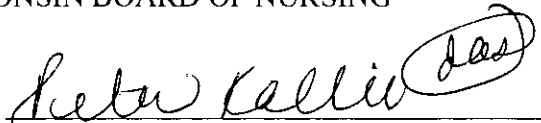
- B.7. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Suspension/Additional Discipline

- B.8. In the event that Respondent violates any term of this Order, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has provided proof, which is determined by the Board or its designee to be sufficient, that Respondent 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 20 day of November, 2019.
WISCONSIN BOARD OF NURSING

By:


A Member of the Board