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**Before the
State of Wisconsin
Board of Nursing**

In the Matter of Disciplinary Proceedings Against
Rhonda L. Pace, L.P.N., Respondent

FINAL DECISION AND ORDER

Order No. **ORDER 0006420**

Division of Legal Services and Compliance Case Nos. 17 NUR 655 and 18 NUR 244

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 17 day of September, 2019.

A handwritten signature in black ink, appearing to be "R. L. Pace", written over a horizontal line.

Member
Board of Nursing



Before the
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of Disciplinary Proceedings Against
Rhonda L. Pace, L.P.N., Respondent

DHA Case No. SPS-19-0027
DLSC Case Nos. 17 NUR 655
18 NUR 244

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Rhonda L. Pace
E12120 Side Road
Baraboo, WI 53913

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

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

PROCEDURAL HISTORY

The proceedings were initiated on April 8, 2019, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a formal complaint against Respondent Rhonda L. Pace, alleging that Respondent engaged in unprofessional conduct by having a license to practice nursing suspended in another state, in violation of Wis. Admin Code § N 7.03(1)(b); by failing to cooperate in a timely manner with the Board's investigation of a complaint against the Respondent's license, in violation of Wis. Admin. Code § N 7.03(1)(c); and by obtaining, possessing, or attempting to possess a drug without lawful authority, in violation of Wis. Admin. Code § N 7.03(8)(e).

The Division attempted to serve Respondent on April 8, 2019, by sending a copy of the notice of hearing and complaint to 121 East Johnson Street, River Falls, Wisconsin 54022, via certified and regular mail. The documents were returned, marked "undeliverable."

The Division served Respondent on May 6, 2019, by sending a copy of the notice of hearing and complaint to E12120 Side Road, Baraboo, Wisconsin 53913, via certified and regular mail. Respondent did not file an answer to the complaint.

At the expiration of the 20-day time period to file an answer, the Administrative Law Judge (ALJ) scheduled a telephone prehearing conference for May 28, 2019. Notice of the prehearing conference was mailed to the Respondent on May 16, 2019, which instructed Respondent to provide the ALJ with a telephone number at which she could be reached for the telephone conference no later than May 24, 2019. Respondent failed to provide a telephone number. During the prehearing conference on May 28, 2019, the Division provided a telephone number for Respondent, whereupon the ALJ left a voicemail message allowing the Respondent until 10:16 a.m. to call back to proceed with the conference; however, the ALJ never heard back from Respondent. At that time, the Division moved for default based on Respondent's failure to appear and failure to file an answer, pursuant to Wis. Admin. Code § SPS 2.14 and § HA 1.07(3).

On May 29, 2019, the ALJ issued a notice of default and order against Respondent and ordered that the Division file a recommended proposed decision and order by June 28, 2019. The Division timely filed its submission.

FINDINGS OF FACT

Facts Related to the Alleged Violations

1. Respondent Rhonda L. Pace is licensed in the State of Wisconsin as a practical nurse, having license number 306460-31, first issued on August 18, 2005, and current through April 30, 2021.
2. Respondent's most recent address on file with the Department is 121 East Johnson Street, River Falls, Wisconsin 54022.

Facts Related to Case No. 17 NUR 655

3. At all times relevant to this matter, Respondent was employed as a practical nurse at a facility located in Minnesota.
4. On October 5, 2017, Respondent's Minnesota nursing license was suspended for one year because of a drug screen that tested positive for morphine and hydromorphone.
5. On November 17, 2017, a letter was mailed to Respondent, at the address on file with the Department, requesting a response to the allegations.
6. On January 4, 2018, a second request for response was mailed to Respondent at the address on file with the Department.
7. On January 24, 2018, a copy of the second request for response was e-mailed to Respondent at the e-mail address on file with the Department.

8. On January 24, 2018, a call was placed to Respondent and a voicemail was left at the phone number on file with the Department.
9. On October 30, 2018, a Department investigator mailed Respondent a request for response at the address provided by the post office on a letter returned to the Department.
10. Respondent did not respond to any of the Department requests.

Facts Related to Case No. 18 NUR 244

11. At all times relevant to this matter, Respondent was employed as a practical nurse at a care center (Center) located in Sun Prairie, Wisconsin.
12. On March 7, 2018, an allegation was received that Respondent diverted diazepam from the Center.
13. On April 18, 2018, a letter was mailed to Respondent, at the address on file with the Department, requesting a response to the allegations.
14. On April 26, 2018, a letter was mailed to Respondent, at the address on file with the Department, requesting a response to the allegations.
15. On July 24, 2018, a letter was mailed to Respondent, at the address on file with the Department, requesting a response to the allegations.
16. On August 10, 2018, a call was placed to Respondent at the phone number on file with the Department, seeking a response to the allegations, and a voicemail message was left.
17. Respondent did not respond to any of the Department requests.

Facts Related to Default

18. The notice of hearing and complaint in this matter were served on Respondent on April 8, 2019 and May 6, 2019, by both certified and first class mail, consistent with Wis. Admin. Code § SPS 2.08. The notice of hearing instructed Respondent: "If you do not provide a proper answer within 20 days, you will be found to be in default and a default judgment may be entered against you on the basis of the complaint and other evidence. In addition, the Board may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing."
19. Respondent failed to file an answer to the complaint.
20. Following expiration of the 20-day time period to file an answer, the ALJ scheduled a telephone prehearing conference for May 28, 2019. Notice of this prehearing conference was sent to both parties, with instructions that Respondent provide the ALJ with a telephone number at which she could be reached for the conference no later than May 24, 2019. The notice instructed Respondent: "The Respondent's failure to appear at a

scheduled conference or hearing may result in default judgment being entered against the Respondent.”

21. Respondent failed to provide a telephone number to the ALJ.
22. During the prehearing conference on May 28, 2019, the ALJ attempted to contact Respondent at the telephone number provided by the Division. Respondent did not answer. The ALJ left a voicemail message instructing Respondent to return the call to the ALJ by 10:16 a.m., but Respondent did not call back. Consequently, the ALJ granted the Division’s motion for default.
23. On May 29, 2019, the ALJ issued a notice of default and order that required the Division to file and serve, no later than June 28, 2019, a recommended proposed decision and order.
24. The Division timely filed its recommended proposed decision and order.

DISCUSSION AND CONCLUSIONS OF LAW

Jurisdictional authority

Pursuant to Wis. Admin. Code § SPS 2.10(2), the undersigned ALJ has authority to preside over this disciplinary proceeding in accordance with Wis. Stat. § 227.46(1).

Default

By failing to file an answer to the complaint, Respondent violated Wis. Admin Code § SPS 2.09(4). As stated in the May 29, 2019, notice of default and order, Respondent is in default for failing to file an answer to the complaint and failing to appear at the telephone conference held on May 28, 2019. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3). Accordingly, an order may be entered against Respondent on the basis of the complaint and other evidence. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3).

Violations

Pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), the Wisconsin Board of Nursing (Board) possesses the authority to discipline any licensee or license holder for violating the standards of conduct established by the examining board under Wis. Stat. § 440.03(1) and for engaging in unprofessional conduct under Wis. Admin. Code §§ N 7.03(1)(b)-(c).

It is undisputed that, on October 5, 2017, Respondent’s Minnesota nursing license was suspended for one year because of a drug screen that tested positive for morphine and hydromorphone. Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(b), by having her license to practice nursing in Minnesota or a nurse licensure suspended.

It is also undisputed that Respondent failed to cooperate with the Department's investigation. On November 17, 2017, January 4, 2018, January 24, 2018, and October 30, 2018, the Department attempted to contact Respondent regarding an ongoing investigation. Respondent did not respond to any of the Department's requests. On March 17, 2018, the Department received information that Respondent had diverted diazepam from the Center where she was employed. On April 18, 2018, April 26, 2018, July 24, 2018 and August 10, 2018, the Department attempted to contact Respondent regarding an investigation into the allegations. Respondent did not respond to any of the Department's requests. Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(c), by failing to respond to the board's requests for information. By failing to cooperate in a timely manner with the board's investigation of a complaint filed against a license holder and by continuing to be uncooperative with the board's investigation, Respondent is in violation of Wis. Admin. Code § N 7.03(1)(g).

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

Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the credential holder; (2) to protect the public from other instances of misconduct; and (3) to deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division recommends that Respondent's license and privilege to practice under the Enhanced Nurse Licensure Compact be suspended, pursuant to the terms and conditions of the order section set forth below.

The recommended discipline is appropriate and consistent with the purposes articulated in *Aldrich*. Promoting rehabilitation is one of the purposes of discipline; however, it is unknown if rehabilitation is possible or probable in this case, as there has been no information obtained during the investigation from Respondent because she has failed to respond to all attempts the Department has made to request information.

"Protection of the public is the purpose of requiring a license." *State ex rel. Green v. Clark*, 235 Wis. 628, 631, 294 N.W. 25 (1940). When a license is granted to an individual, the Board is assuring the public that the licensed individual is competent in his or her profession. *Stringez v. Dep't of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 281, 287, 307 N.W.2d 664 (1981). It follows that if the Board, via the Department, cannot assure the public of the licensee's competence to practice the profession, then suspension is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189-90, 349 N.W.2d 68 (1984). In the present case, the Board cannot assure the public that this individual, who failed to cooperate with the Board, is competent in her profession. The Board cannot ensure that Respondent will practice nursing safely if she does not cooperate.

Suspension of Respondent's license and privilege to practice nursing are necessary to protect the public from other instances of misconduct. Respondent's misconduct was serious. Ingesting controlled substances violates a fundamental duty with which all nurses are entrusted:

the responsible handling of controlled substances that they have access to by virtue of their professional license. Contrary to this, Respondent disregarded the public's trust and disregarded her responsibilities to her patients.

Respondent also disregarded the law and demonstrated a lack of respect for the Board's authority. Imposing anything less than suspension would not aid in deterrence and could imply that such conduct by a licensed nurse is tolerable. Accordingly, suspension of Respondent's license and privilege to practice under the Enhanced Nurse Licensure Compact is necessary to deter other licensees from engaging in similar conduct appropriate way in which to safeguard the public.

The recommended discipline is also consistent with Board precedent. *See In the Matter of Disciplinary Proceedings Against Ann M. Lenck, R.N.*, Order Number 0005386 (July 27, 2017) (nurse who diverted controlled substances from her employer had license suspended by Board and was allowed to petition for a stay of the suspension after three months upon providing proof to the Board that she was in compliance with conditions and limitations placed on her license).¹

Based upon the facts of this case and the factors set forth in *Aldrich*, I find that the discipline recommended by the Division, which is set forth in more detail in the order section below, is appropriate and warranted.

Costs

The Board has the authority to assess costs pursuant to Wis. Stat. § 440.22(2), which states in part:

In any disciplinary proceeding against a holder of a credential in which the department or examining board, affiliated credentialing board or board in the department orders suspension, limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder...

In exercising its discretion, the Board must look at aggravating and mitigating facts of the case; it may not assess costs against a licensee based solely on a "rigid rule or invocation of an omnipresent policy," such as preventing those costs from being passed on to others. *Noesenv. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, 30-32, 311 Wis. 2d. 237, 751 N.W.2d 385.

In prior cases, the Board has also considered the following factors when determining if all or part of the costs should be assessed against the Respondent: 1) the number of counts charged, contested and proven; 2) the nature and seriousness of the misconduct; 3) the level of discipline sought by the prosecutor; 4) the respondent's cooperation with the disciplinary process; 5) prior discipline, if any; 6) the fact that the Department is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness

¹ This decision is available online at <https://online.drl.wi.gov/decisions/2017/ORDER0005386-00013924.pdf>

of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct; and 7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz*, LS0802183CHI (Aug. 14, 2008). It is within the Board's discretion as to which, if any, of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

Here, Respondent defaulted, and the factual allegations were deemed admitted. Thus, the Division proved all counts alleged. Respondent's conduct was serious. Her nursing license in Minnesota was suspended for one year because of a drug screen that tested positive for morphine and hydromorphone. Respondent failed to respond to the Department's requests for information, thereby failing to cooperate with the Department's investigation. Respondent also failed to respond to the Department's requests for information with regard to the allegation that Respondent had diverted diazepam from the Center where she was employed. In addition, Respondent failed to file an answer to the complaint and failed to appear at the May 28, 2019 prehearing telephone conference, further demonstrating a lack of cooperation.

Another factor to consider in this case is that the Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. As such, fairness weighs heavily in requiring Respondent to pay the costs of this proceeding which resulted in significant discipline, rather than spreading the costs among all Board licensees in Wisconsin. It is noteworthy that Respondent has failed to present any argument as to why full costs should not be assessed. Accordingly, it is appropriate for Respondent to pay the full costs of the investigation and this proceeding, as determined pursuant to Wis. Admin. Code § SPS 2.18.

ORDER

For the reasons set forth above, IT IS ORDERED that the license and privilege of Rhonda L. Pace (license number 306460-31) to practice as a practical nurse in the State of Wisconsin under the Enhanced Nurse Licensure Compact are suspended and limited as follows:

SUSPENSION

- A.1. The license of Rhonda L. Pace (license number 306460-31) to practice as a practical nurse in the state of Wisconsin is SUSPENDED for an indefinite period.
- A.2. The privilege of Rhonda L. Pace to practice as a practical nurse in the state of Wisconsin under the authority of another state's license pursuant to the Enhanced Nurse Licensure Compact is also SUSPENDED for an indefinite period.
- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least five years with the terms of this Order, including at least 600 hours of active nursing practice for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.6. for return of full Wisconsin licensure. The Board may, on its own motion, grant full Wisconsin licensure at any time.

STAY OF SUSPENSION

- B.1. 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 is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board or its designee may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
- (a) mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - (b) actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code Ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Order and all other subsequent orders.
- C.3. 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 Monitor (See D.1., below). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.

- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee after receiving a petition for modification as required by D.5., below.
- C.5. 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.

Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collection sites, 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: (a) obtain all specimen screen results and patient health care and treatment records and reports; and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater, treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an approved 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 by the speaker or chair and reported quarterly to Treater and the Department Monitor.

Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. 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.

- C.10. 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, products, or other substances (including but not limited to natural substances, such as poppy seeds or any products containing alcohol) which may mask consumption of controlled substances or alcohol, create false positive screening results, or otherwise interfere with Respondent's test results, treatment or rehabilitation, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph C.11. 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.
- C.11. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within twenty-four (24) hours of administration, fill or refill 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

- C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
- C.13. 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:
- (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends, and holidays.
 - (b) Production of a urine, blood, sweat, nail, hair, saliva, or other specimen at a collection site designated by the Approved Program within five hours of notification of a test.
- C.14. The Approved Program shall require the testing of specimens at a frequency of not less than 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.
- C.15. If any urine, blood, sweat, nail, 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 determines to be appropriate to clarify or confirm the positive or suspected positive test results.

- C.16. 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 specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- C.17. 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.
- C.18. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- C.19. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances.
- C.20. 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 who has received a copy of this Order.
- C.21. Respondent 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.
- C.22. Respondent may not work in a home health care, hospice, pool nursing, assisted living, agency, or as a nurse in a correctional setting.
- C.23. Prior to commencing practice, Respondent shall provide a copy of this 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.
- C.24. It is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and 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.
- C.25. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order 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
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

Required Reporting by Respondent

- D.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 the terms and conditions of this Order by Respondent.
- D.3. 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 and 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.

Change of Treater or Approved Program by Board

- D.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 or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.5. 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 year from the date of the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. 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.

- D.6. Respondent may petition the Board for termination of this Order any time after five years from the date of the initial stay of the suspension.

Costs of Compliance

- D.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.

Additional Discipline

- D.8. 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.

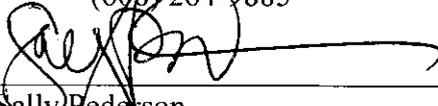
IT IS FURTHER ORDERED that Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to the address listed in paragraph D.1. above.

IT IS FURTHER ORDERED that the terms of this Order are effective the date the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin on July 9, 2019.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
4822 Madison Yards Way, 5th Floor North
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____


Sally Pederson
Administrative Law Judge