

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
A LICENSED PRACTICAL NURSE
LICENSE

TASHA D. HARRIS,
APPLICANT.

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:
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**ORDER GRANTING
LIMITED LICENSE**

ORDER 0006475

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

Tasha D. Harris
1238 Sunfield St.
Sun Prairie, WI 53590

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. Tasha D. Harris (Applicant) filed an application (no. 669687) for a Wisconsin licensed practical nurse license.
2. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1238 Sunfield Street, Sun Prairie, Wisconsin 53590.
3. Information received in the application process reflects that Applicant has the following convictions:

- a. On or about July 16, 2003, applicant was convicted of Forgery – Uttering + Party to a Crime in Dane County Circuit Court, Case Number 03 CF 964, a felony.
- b. On or about July 16, 2003, applicant was convicted of Take and Drive Vehicle without Consent, Dane County Circuit Court, Case Number 03 CF 964, a felony.
- c. On or about May 13, 2011, applicant was convicted of Operating while Intoxicated, 2nd in Dane County Circuit Court, Case Number 10 CT 1767, a misdemeanor.
- d. On or about August 11, 2011, applicant was convicted of Operating while Intoxicated, 3rd, in Dane County Circuit Court, Case Number 11 CT 526, a misdemeanor.
- e. On or about August 6, 2014, applicant was convicted of Operating while Revoked, in Columbia Circuit Court, Case Number 14 CT 115, a misdemeanor.
- f. On or about September 29, 2016, applicant was convicted of Operating with PAC (4th in 5 years), in Dane County Circuit Court, Case Number 15 CF 2684, a felony.
- g. On or about August 17, 2017, applicant was convicted of Operating while Revoked, in Marquette County Circuit Court, Case Number 15 CT 11, a misdemeanor.

4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07 and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. The Board may deny or limit a license if the applicant committed a violation of Wis. Stat. § 441.07(1g).
3. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. § 441.07(1g)(b) and (c), and Wis. Admin. Code § N 7.03(6)(f), by committing acts which show Applicant to be negligent, unfit or incompetent by reason of abuse of alcohol or other drugs; and Applicant is unable to practice safely by reason of alcohol or other substance abuse.

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 licensed practical nurse.
3. Applicant's application for a licensed practical nurse license is granted subject to the following limitations.

4. The applicant's ability to practice practical nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact (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. 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.

5. Within sixty (60) days of the date of this Order, Applicant shall, at her own expense, undergo a fitness for practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Applicant and is experienced in evaluating whether a health care professional is fit for practice:

- a. Prior to evaluation, Applicant shall provide a copy of this Final Decision and Order to the Evaluator.

- b. 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.
- c. Within fifteen (15) days of completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Applicant suffers from any condition(s) that may interfere with her ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
- d. Applicant shall execute necessary documents authorizing the Department to obtain records of the evaluation, and to discuss Applicant and her case with the Evaluator. Applicant shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
- e. If the Evaluator determines that Applicant is not fit for practice or is fit for practice with limitations, the Board or its designee may suspend Applicant's license until Applicant provides proof sufficient to convince the Board or its designee that Applicant is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Applicant from practicing in that manner.
- f. If the Evaluator determines that Applicant is fit for practice or is fit for practice with limitations, the Board or its designee may limit Applicant's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
 - i. Psychotherapy, at Applicant's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
 - ii. Additional professional education in any identified areas of deficiency.
 - iii. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.
 - iv. Applicant is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

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

- a. Applicant shall provide a copy of this Order and all other subsequent orders immediately to supervisory personnel at all settings where Applicant works as a nurse or care giver or provides health care, currently or in the future. Applicant shall provide Applicant's nursing employer with a copy of this Order before engaging in, or continuing to engage 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.
- b. It is Applicant'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 Applicant practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant'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 additional limitations on Applicant's nursing license, or may suspend Applicant's nursing license(s), in its discretion.
- c. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.

7. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, during the pendency of this limitation(s).

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. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, 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

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, 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 Kallie
A Member of the Board

10/4/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
A LICENSED PRACTICAL NURSE
LICENSE

TASHA D. HARRIS,
APPLICANT.

STIPULATION

ORDER 0006475

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

1. The Applicant has filed an application for a licensed practical nurse license.
2. Information received by the Board reflects a basis for denial of application for licensure.
3. Based upon the information of record, the Board agrees to issue, and the Applicant agrees to accept, an Order granting a license as a licensed practical 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.
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 (Compact) and the Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.



Tasha D. Harris
1238 Sunfield St.
Sun Prairie, WI 53590
Application no. 669687

9/26/19
Date



A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

10/4/19
Date