

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
RENEWAL OF LICENSED PRACTICAL
NURSE LICENSE

JESSICA M. GAST,
APPLICANT.

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**ORDER GRANTING
LIMITED LICENSE
ORDER 0006521**

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

Jessica M. Gast
1311 Division St.
Green Bay, WI 54303

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. Jessica M. Gast (Applicant) filed a renewal application (license no. 320892-31) 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 1311 Division Street, Green Bay, Wisconsin 54303.
3. Information received in the application process reflects that Applicant has the following convictions:

- a. On or about May 1, 2018, Applicant was convicted of Disorderly Conduct, with a Domestic Abuse modifier, and Knowingly Violate a Domestic Abuse Order – Temporary Restraining Order in Brown County Circuit Court, Case Number 17 CF 932, both misdemeanors.
- b. On or about May 1, 2018, Applicant pled guilty or no-contest to Substantial Battery-Intend Bodily Harm charges, a felony, in Brown County Circuit Court, Case Number 17 CF 932. The matter is currently the subject of a deferred prosecution arrangement.
- c. On or about May 1, 2018, Applicant was convicted of Bail Jumping in Brown County Circuit Court, Case Number 17 CF 1600, a misdemeanor.
- d. The above convictions resulted in a no contact order, COMPAS evaluation, restitution, fines and nine (9) months of incarceration.
- e. The above convictions and/or deferred prosecution arrangement involved interactions between Applicant, her husband, minor child and another family member.

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 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 by committing acts which show Applicant to be negligent, unfit or incompetent by reason of abuse of alcohol or other drugs or mental incompetency.

4. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. § 441.07(1g)(b) and Wis. Admin. Code § N 7.03(2) by violating a law substantially related to the practice of nursing and being convicted of any crime substantially related to the practice of nursing.

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. Applicant's ability to practice as a licensed practical nurse 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 work only under direct supervision. Direct supervision requires that Applicant's supervisor be physically present at the workplace when Applicant is working.
 - ii. 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.
 - iii. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from 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.
 - iv. 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.

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

7. 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.

8. 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

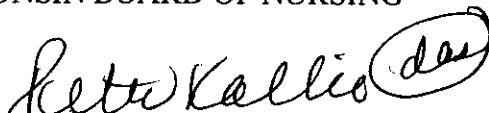
You may also submit this information online via DSPS' Monitoring Case management System, here:

<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: 
A Member of the Board

10/24/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF LICENSED PRACTICAL
NURSE LICENSE

JESSICA M. GAST,
APPLICANT.

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STIPULATION
ORDER 0006521

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

1. Applicant has filed a renewal 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 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 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 Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.

Jessica Gast
Jessica M. Gast
1311 Division St.
Green Bay, WI 54303
License no. 320892-31

10.19.19
Date

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

10/29/19
Date