

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 A REGISTERED NURSE
LICENSE

HEATHER MYHRVOLD,
APPLICANT.

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ORDER GRANTING
LIMITED LICENSE

ORDER 0006707

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

Heather Myhrvold
Janesville, WI 53546

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. Heather Myhrvold filed an application to renew her Wisconsin registered nurse license (license number 178456-30).
2. Applicant resides in Wisconsin.
3. Information received in the application process reflects that Applicant has the following convictions:
 - a. On or about May 30, 2018, Applicant was convicted of one (1) count of Drink Open Intoxicants In Motor Vehicle – Passenger, and one (1) count of

Disorderly Conduct, ordinance violations. These convictions arose from a traffic stop in which Applicant was a passenger in the vehicle. When questioned by officers Applicant admitted that the odor of marijuana was coming from her and that the marijuana and drug paraphernalia in the vehicle belonged to Applicant. Applicant also admitted to officers that she, and other occupants in the car, had been consuming mixed drinks in the moving vehicle prior to the traffic stop.

- b. On or about August 20, 2019, Applicant was convicted in Rock County Circuit Court Case Number 2018CF855, of one (1) count of Criminal Damage to Property, with a modifier of Domestic Abuse, a Misdemeanor, in violation of Wis. Stat. § 943.01(1). This conviction arose from an incident in which police were called to Applicant's house for a disturbance in which a woman was pouring gasoline on a large pile of clothes. Applicant told the officer that she was upset at her husband and so decided to burn some of his clothes.
- c. On or about August 20, 2019, Applicant was convicted in Rock County Circuit Court Case Number 2018CF521, of one (1) count of Disorderly Conduct, with a modifier of Domestic Abuse, a Misdemeanor, in violation of Wis. Stat. § 947.01(1). This conviction arose from an incident in which police were called when Applicant began hitting her husband's car with a hammer. The police report also indicates Applicant cut up all the male subject's clothes.

4. Applicant attends mental health counseling weekly or biweekly to provide supportive psychotherapy.

5. 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 the renewal of 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) by committing acts which show the registered nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs or mental incompetency

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 application for a registered nurse license is granted subject to the following limitations.

4. Applicant's ability to practice as a registered nurse in the state of Wisconsin is LIMITED as follows:

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

i. 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.

ii. 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.

iii. 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.

b. 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:

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

- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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:
 - 1. 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.
 - 2. Additional professional education in any identified areas of deficiency.
 - 3. 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.

4. Applicant is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

5. After one year of successful compliance with this Order, Applicant may petition the Board for a modification of the terms of this Order. Thereafter, 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.

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

7. 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://dpsmonitoring.wi.gov>

7. 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.

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

WISCONSIN BOARD OF NURSING

By: Peter Kallio
A Member of the Board

3.10.2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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

HEATHER MYHRVOLD,
APPLICANT.

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STIPULATION

ORDER 0006707

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

1. Applicant filed an application to renew a registered nurse license.
2. Information received by the Board reflects a basis for denial of the renewal of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a renewal of the registered nurse license, 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.

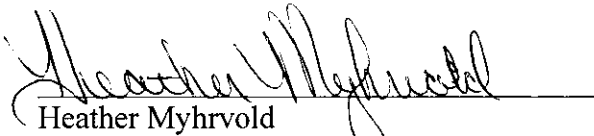
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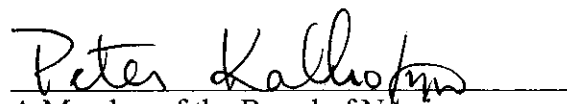
7. Applicant waives all rights to any appeal of the Board's Order, as adopted on the 10th as attached. DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

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.


Heather Myhrvold
Janesville, WI 53546
License no. 178456-30

3/6/2020
Date


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

3.10.2020
Date