

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

AMBER KELLER,
APPLICANT.

:
:
: ORDER GRANTING
: LIMITED LICENSE FOR A
: MULTI-STATE WISCONSIN
: LICENSE

ORDER 0006772

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

Amber Keller
Verona, WI 53593

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. Amber Keller filed an application to renew her multi-state Wisconsin registered nurse license (license number 224457-30).
2. Applicant resides in Wisconsin.
3. Information received in the application process reflects that Applicant has the following convictions:
 - a. On or about April 12, 2017, Applicant was convicted in Grant County Circuit Court case number 2016CT105 of one (1) count of Operating While

Intoxicated (OWI)(2nd), a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a). This conviction arose when police contacted Applicant for a traffic stop in the parking lot of a closed business. When questioned by officers, Applicant informed the officer that this was her dad's office, that she was coming from downtown, and had a drink or two, with her last drink being approximately twenty minutes ago. Applicant informed the officer that she "was just staying here," and was not attempting to avoid the officer. The Applicant completed field sobriety tests with difficulty. Applicant had a PBT of .208. Applicant was arrested for operating while intoxicated, second offense.

- b. On or about November 20, 2019, Applicant was charged in La Crosse County Circuit Court case number 2019CT338, of one (1) count of OWI (3rd), a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a), and one (1) count of Operating w/PAC (3rd), a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a). These charges arose when, on October 27, 2019, police contacted Applicant after being dispatched for an alleged drunk driver that pulled into a Kwik Trip parking lot. When questioned by officers, Applicant did not want to open the window of her vehicle to speak, so the officer opened the door to her vehicle. Applicant informed the officer that she had "A decent amount," to drink that night, which consisted of beer and mixed drinks. Applicant informed the officer that her vehicle was in reverse because she left her card at her hotel and was returning to get it. Applicant also told the officer that she did not do anything wrong and would not participate with field sobriety tests. Applicant had a PBT of .259.
- c. Applicant admits to consuming alcohol on October 27, 2019, and making a "poor choice" to operate a vehicle thereafter.
- d. On December 27, 2019, Applicant was diagnosed with "irresponsible use of alcohol."

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

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's registered nurse license are necessary to ensure that she is fit and competent to practice as a registered nurse.
3. Applicant's ability to practice registered nursing in the state of Wisconsin, and her privilege to practice 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 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 twenty-eight (28) 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. A positive test is a violation of this order.
- 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 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.
- x. 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, in its discretion.

- xi. 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.

4. 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.

5. Pursuant to the Compact, Respondent may not practice in a Compact State, other than Wisconsin, while her license is encumbered by any limitation or restriction imposed by this order.

6. 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.

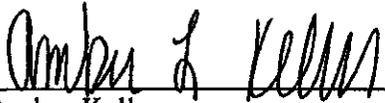
WISCONSIN BOARD OF NURSING

By: *Peter Kallio*
A Member of the Board

4/28/2020
Date

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.



Amber Keller
Verona, WI 53593
License no. 224457-30

4/23/2020
Date



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

4/28/2020
Date