

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 :
REINSTATEMENT OF A :
LICENSED PRACTICAL NURSE CREDENTIAL :

ORDER GRANTING
LIMITED LICENSE

JULIE MOLITOR,
APPLICANT.

ORDER UUU/U17

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

Julie Molitor
Prairie Du Chien WI 53281

Wisconsin Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application. The Wisconsin Board of Nursing (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Julie Molitor (Applicant) lives in Wisconsin.
2. On or about February 24, 1997, Applicant was granted a Wisconsin Licensed Practical Nurse credential (#34049-31).
 - A. Applicant's Licensed Practical Nurse credential was voluntary surrendered in Order 1443, dated March 22, 2012.
 - B. Order 1443 found that on January 15, 2010, Applicant pled no contest to operating while under influence (3rd) in Jefferson County, Case Number 2009CT000534. Applicant at time was in recovery and seeking treatment for her long-standing substance abuse issues.
 - C. Order 1433 found that on September 7 and 16, 2011, Applicant telephoned Walgreen's Pharmacy and impersonated a physician's assistant who worked at the same clinic as Applicant. Applicant ordered a prescription for Hydrocodone #30 and picked up the prescription. When questioned by her

employer, Applicant admitted to calling in the prescriptions for herself using someone else's name. Applicant's employment was terminated.

- D. Order 1443 found that on September 19, 2011, the Texas Board of Nursing issued an Order in which Applicant voluntarily surrendered her Texas license due to her conviction for operating under the influence and a pattern of medication errors.
- E. Order 1443 found that Applicant's conduct constituted a violation of Wisconsin Admin. Code §§ N 7.03(1)(b), 7.03(2), 7.04(2), 7.04(7) and 7.04(8), and subjected Applicant to discipline pursuant to Wis. Stat. §§ 441.07(1)(c) and (d).
- F. Order #1443 provided the Board authority to deny any future nursing application by Applicant without further notice or hearing.
- G. Order #1443 set forth minimum requirements Applicant must meet prior to re-applying for a license in Wisconsin including:
 - i. Submission of a report from Respondent's treatment counselor addressing Respondent's participation in alcohol anonymous/narcotics anonymous meetings and demonstrating a track record of consistent bi-weekly attendance for at least three months;
 - ii. Successful completion of four (4) hours of preapproved CE in medication administration;
 - iii. Successful completion of four (4) hours of preapproved CE in professional accountability.
 - iv. A report from Respondent's treatment counselor addressing Respondent's progress and her current status, with an opinion that Respondent is fit to return to the practice of nursing;
 - v. An alcohol and other drug abuse assessment completed within three (3) months of Respondent's application with an opinion that Respondent is fit to return to the practice of nursing;
 - vi. Three negative drug screens completed within one month of Respondent's application; and
 - vii. Payment of the costs associated with enforcement matters 11NUR470 and 12NUR046 in the amount of two hundred fifty dollars (\$250.00).

3. On or about August 5, 2019, Julie Molitor Applicant filed an application (#693099) for reinstatement of her Wisconsin Licensed Practical Nurse credential (license #34049-31).

- A. On or about January 7, 2020, Applicant was issued a limited license for the sole purpose of completing a nurse refresher course as it had been more than five (5) years since Applicant practiced as a Licensed Practical Nurse.

Applicant submitted satisfactory evidence she successfully completed the nurse refresher course.

B. Applicant submitted proof of her completion of the items required by Order #1443 in order to apply to reinstate her Licensed Practical Nurse credential.

4. Applicant's current diagnosis is Alcohol Use Disorder – In Remission. Applicant's Treater recommends Applicant remains totally abstinent and continue her involvement with self-help.

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 a license if Applicant committed a violation of Wis. Stat. §§ 441.07(1g)(b),(c), and (d), and Wis. Admin. Code §§ N 7.03(6)(f).

3. The Board may deny or limit given Applicant has had a prior nursing credential disciplined by another state pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03(1)(b).

4. 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 unfit or incompetent by reason of abuse of alcohol or other drugs; and unable to practice safely by reason of alcohol or other substance abuse

5. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 441.07(1g)(b) and (c).

ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's Licensed Practical Nurse credential are necessary to ensure that she is fit and competent to practice as a Licensed Practical Nurse.

3. Applicant's ability to practice as a Licensed Practical Nurse 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, (one of which may be a hair test at the Board's discretion) 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 of Safety and Professional Services Monitor (Department Monitor).
- v. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (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 attend Narcotics Anonymous meetings, Alcoholics Anonymous meetings, or other Board-approved equivalent program for recovering professionals, no less than twice per week. Applicant shall provide proof of attendance on a quarterly basis to the Department Monitor.
- x. 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.
- xi. 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.
- xii. Applicant may not work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances.

- xiii. 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.
- xiv. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

4. Applicant 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 (1) year from the date of this Order. 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 Applicant shall not have a right to any further hearings or proceedings on the denial.

5. After two (2) consecutive years of successful compliance, including at least six hundred (600) hours of approved nursing practice each year, 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, while her license is encumbered by any limitation or restriction imposed by this order.

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>

8. 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.

9. Applicant 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.

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

WISCONSIN BOARD OF NURSING

By:  /C.P.
A Member of the Board

09/23/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR :
REINSTATEMENT OF A :
LICENSED PRACTICAL NURSE CREDENTIAL :

STIPULATION

JULIE MOLITOR,
APPLICANT.

ORDER UUU/017

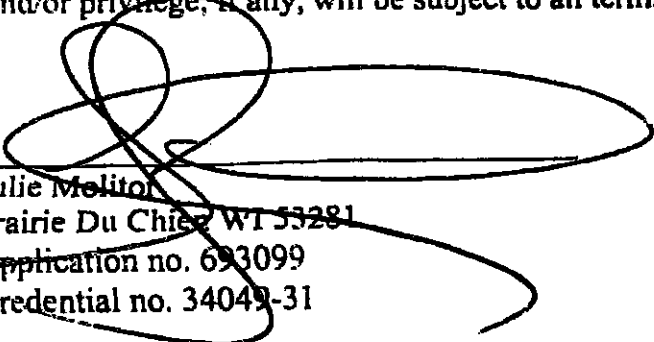
It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application to reinstate her Licensed Practical Nurse credential.
2. Information received by the Board reflects a basis for denial of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a Licensed Practical 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.

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.



Julie Melton
Prairie Du Chief WI 53281
Application no. 693099
Credential no. 34049-31

Date 9/21/20

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935


Date

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Julie Molitor
Prairie Du Chien WI 53281
Application no. 693099
Credential no. 34049-31

 /CP

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Date

09/23/2020
Date