

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
STEPHANIE L. TIBBITS, R.N., : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
: **ORDER 0007041**

Division of Legal Services and Compliance Case No. 20 NUR 227

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

Stephanie L. Tibbits, R.N.
Hartford, WI 53027

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. Licensee Stephanie L. Tibbits, R.N., (DOB: XX/XX/1978) is licensed in the state of Wisconsin as a registered nurse, having license number 161738-30, first issued on April 2, 2008, and current through February 28, 2022. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Hartford, Wisconsin 53027.

2. At all times relevant to this proceeding, Licensee was employed as a registered nurse with a nursing agency (Agency) and assigned to a hospital (Hospital) located in Oconomowoc, Wisconsin.

3. On May 4, 2020, the Department received a complaint from an employee of the Agency regarding an incident on May 1, 2020, at the Hospital.

4. On May 1, 2020, the Agency was notified by the Hospital that Licensee's assignment would be terminated due to evidence indicating possible diversion.

5. An investigation showed that Licensee's controlled substance administration was substantially higher than the other nurses.

- a. Licensee documented administering controlled substances to patients she was not assigned to.
- b. Licensee's documentation of controlled substances never gave reasoning for the increased administration compared to other nurses.

6. On May 4, 2020, Licensee's recruiter attempted to contact her to discuss the situation; however, Licensee did not return the call until May 5, 2020, the day after the facility terminated her contract.

7. Licensee submitted to a drug screen on May 5, 2020, which came back negative for everything except cotinine.¹

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

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Licensee shall at her own expense take and successfully complete five (5) hours of education on the topic of documentation as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education

¹ Cotinine is a metabolite for nicotine in the body.

requirements that have been or may be instituted by the Board or Department.

3. Within ninety (90) days Licensee shall, at her own expense undergo and complete an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.

- a. Prior to the assessment, Licensee shall provide a copy of this order to the evaluator. Licensee shall provide the Department Monitor with written acknowledgement from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgement shall be provided to the Department Monitor prior to the assessment.
- b. Licensee shall provide and keep on file the evaluator current releases complying with state and federal laws. The releases shall allow the Board, it's designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department monitor.
- c. Licensee shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Licensee has been treated or evaluated.

4. Request for approval of courses and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
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 the Department's Monitoring Case Management System at

<https://dspsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

by:



A Member of the Board

10/8/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :

STEPHANIE L. TIBBITS, R.N., :
LICENSEE. :

STIPULATION

ORDER 00076 A 1

Division of Legal Services and Compliance Case No. 20 NUR 227

Licensee Stephanie L. Tibbits, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

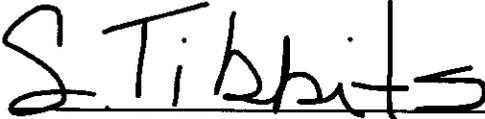
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In

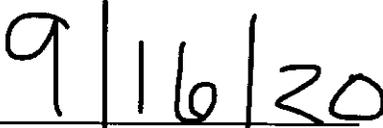
the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

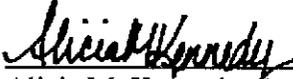
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Stephanie L. Tibbits, R.N., Licensee
Hartford, WI 53027
License No. 161738-30


Date


Alicia M. Kennedy, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison WI 53707-7190

September 17, 2020
Date