

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHARITY G. CLAWSON, R.N.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0007257

Division of Legal Services and Compliance Case No. 19 NUR 698

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

Charity G. Clawson, R.N.
Madison, WI 53711

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. Charity G. Clawson, R.N., (Respondent), (Year of Birth 1973) is not and has not ever been licensed as a nurse in the state of Wisconsin. Respondent was licensed as a registered nurse in Montana (license no. 45010), possessing multistate privileges via the Enhanced Nurse Licensure Compact (Compact), from June 16, 2011, through December 31, 2019, when Respondent's license expired. During the time Respondent possessed her Montana license, Respondent was authorized to work in states that were members of the Compact, including Wisconsin.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53711.

3. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a medical facility (Facility), in Madison, Wisconsin.

4. A November 5, 2019 Facility audit determined that Respondent was responsible for thirty-nine (39) opioid transactions with unknown disposition beginning in October 2019 through November 4, 2019.

5. Respondent admitted to diverting morphine from the Facility during 2019, and consuming the morphine without a valid prescription. Respondent asserted that she diverted the morphine to relieve pain she was experiencing related to a health condition.

6. In resolution of this matter, Respondent 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, 441.51(3)(d) and (e), and 441.51(5)(a)1., and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 961.16(2)(a)10., morphine is a schedule II-controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38.

3. By the conduct described in the Findings of Fact, Respondent obtained and possessed a drug without lawful authority within the meaning of Wis. Admin. Code § N 7.03(8)(e).

4. Respondent is subject to adverse action against her multistate privilege to practice nursing in Wisconsin, pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), Wis. Stat. § 441.51(3)(d) and (e), Wis. Stat. § 441.51(5)(a)1., and Wis. Admin. Code. § N 7.03.

5. Adverse action against Respondent's multistate privilege to practice in Wisconsin includes revocation, suspension, probation, or any other action that affect's a nurse's authorization to practice under a multi-state privilege within the meaning of Wis. Stat. § 441.51(3)(d).

6. Costs related to the investigation and disposition of this case are recoverable from Respondent pursuant to Wis. Stat. §§ 441.51(5)(a)6. and 440.22.

ORDER

1. The attached Stipulation is accepted.

2. Respondent's multistate privilege to practice nursing in Wisconsin pursuant to licensure in Montana (license no. 45010), or licensure in any other Compact state, is indefinitely **SUSPENDED**.

3. Should Respondent wish to practice nursing in the state of Wisconsin via a multistate privilege pursuant to the Compact, she will need to petition the Board for removal of

the suspension prior to practicing in Wisconsin. The Board may grant or deny any petition or impose any limitations or restrictions on Respondent's ability to practice in the state of Wisconsin pursuant to a multistate privilege, in its discretion.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$765.00.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:


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

Respondent may also submit this information online at: <http://dpsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

By:



A Member of the Board

11 March 2021
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHARITY G. CLAWSON, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0007257

Division of Legal Services and Compliance Case No. 19 NUR 698

Respondent Charity G. Clawson, 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. Respondent consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent'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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

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

4. Respondent 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. Respondent 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 Respondent, 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. Respondent 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DocuSigned by:
Charity Clawson
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2/17/2021

Charity G. Clawson, R.N., Respondent
Madison, WI 53711
Montana Multistate License No. 45010

Date

Gretchen Mrozinski

February 18, 2021

Gretchen Mrozinski, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

Date