

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 :
 : FINAL DECISION AND ORDER
JESSICA L. SHORE, R.N., :
RESPONDENT. : **ORDER 0007263**

Division of Legal Services and Compliance Case No. 18 NUR 241

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

Jessica L. Shore, R.N.
Tomahawk, WI 54487

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. Respondent Jessica L. Shore, R.N., (formerly Foster) (DOB XX-XX-1988) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 220051-30, first issued on November 20, 2014 and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Tomahawk, Wisconsin 54487.

2. At all times relevant to this proceeding, Respondent was employed as Director of Nursing at a facility located in Tomahawk, Wisconsin (Facility).

3. On April 6, 2018, the Facility completed an audit after being notified by the Facility's pharmacy of a large increase in narcotic usage during March 2018. The Facility's audit showed that during March 2018 there were unusually high rates of oxycodone signed out for two residents by two nurses, Respondent and Licensed Practical Nurse (LPN) A.

4. The Facility discovered that forty-two (42) 5 mg tablets and thirteen (13) 10 mg tablets of oxycodone were dispensed under LPN A's credentials when she was not on duty or at the Facility between March 1, 2018 and April 5, 2018.

5. Respondent admitted having LPN A's credentials and using them to dispense medications when LPN A was not on duty or in the Facility. LPN A gave Respondent her consent to use her credentials to pull medications for the next day.

6. Respondent provided a preliminary urine drug test to the Facility on April 6, 2018; however, the results of the drug test were not certified and could not be confirmed.

7. Respondent resigned her employment at the Facility on April 6, 2018.

8. On March 26, 2020, Respondent underwent an alcohol and drug abuse assessment by a licensed substance abuse counselor, which found no substance abuse disorder or other active diagnosis that warranted treatment.

9. Respondent does not admit the matters set forth in the foregoing Findings of Fact, but to resolve this matter without further litigation, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(b), by dispensing a drug other than in the course of legitimate practice or as otherwise prohibited by law.

3. As a result of the above conduct, Respondent Jessica L. Shore, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The registered nurse license issued to Jessica L. Shore, R.N. (license number 220051-30), and her privilege to practice in Wisconsin pursuant to the Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of medication administration offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- c. Respondent 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 continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The registered nurse license issued to Jessica L. Shore, R.N., (license number 220051-30), and her privilege to practice in Wisconsin pursuant to the Compact, are further LIMITED as follows:

- a. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent 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.
- b. For a period of at least two (2) years from the date of this Order, Respondent shall practice nursing only under the direct supervision of a licensed nurse or other licensed health care professional, approved by the Board or its designee, who has received a copy of this Order.
- c. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for her supervisor(s) at each setting in which Respondent practiced nursing in the previous quarter to send to the Department Monitor quarterly written work reports. These reports shall assess Respondent's

work performance and shall include the number of hours of active nursing practice Respondent worked during that quarter. If a report indicates poor performance, the Board may institute further appropriate limitations in its discretion.

- d. For a period of at least two (2) years from the date of this Order, Respondent shall notify the Department Monitor of any change of nursing employment. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
- e. After two (2) years of practicing nursing under this Order, Respondent may petition the Board for the modification or termination of this limitation. The Board may grant or deny the petition, in its discretion, or modify this Order as it sees fit.

5. Pursuant to Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$750.00.

7. Requests for approval of courses, proof of successful course completion, work reports, petitions, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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

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

8. In the event Respondent violates any term of this Order, Respondent's license (no. 220051-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. 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. 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

JESSICA L. SHORE, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007263

Division of Legal Services and Compliance Case No. 18 NUR 241

Respondent Jessica L. Shore, 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. Respondent is represented in this case by Attorney Mario D. Mendoza.

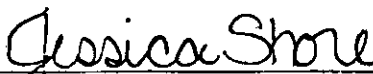
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

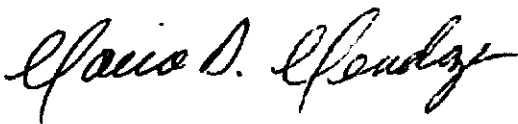
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jessica L. Shore, R.N., Respondent
Tomahawk, WI 54487
License No. 220051-30

2-26-21


Date



Mario D. Mendoza, Respondent's Attorney
Murphy Desmond S.C.
33 East Main St., Suite 500
Madison, WI 53703

February 26, 2021

Date



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

2/26/2021

Date