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**Before the
State of Wisconsin
Board of Nursing**

In the Matter of the Disciplinary Proceedings
Against Shantell L. Grenier, L.P.N., Respondent.

FINAL DECISION AND ORDER
Order **ORDER 0007370**

Division of Legal Services and Compliance Case No. 18 NUR 653

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 13 day of May, 2021.

A handwritten signature in black ink, appearing to be a stylized name, written over a horizontal line.

Member
Board of Nursing



Before the
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of Disciplinary Proceedings Against
Shantell L. Grenier, L.P.N., Respondent

DHA Case No. SPS-20-0025
DLSC Case No. 18 NUR 653

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Shantell L. Grenier, L.P.N.
201 North Washington Street, Apartment B
Burlington, WI 53105

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and

Compliance, by Attorney Lesley McKinney
Department of Safety and Professional
Services Division of Legal Services and
Compliance
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

The proceedings were initiated on September 21, 2020, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a formal complaint against Respondent Shantell L. Grenier, L.P.N., alleging that Respondent engaged in unprofessional conduct by violating a law substantially related to the practice of nursing, in violation of Wis. Admin. Code § N 7.03(2); dispensing a drug other than in the course of legitimate practice or as otherwise prohibited by law, in violation of Wis. Admin. Code § N 7.03(8)(b); and obtaining, possessing, or attempting to obtain or possess a drug without lawful authority, in violation of Wis. Admin. Code § N 7.03(8)(e).

The Division served Respondent on September 21, 2020, by sending a copy of the Notice of Hearing and Complaint to Respondent's address on file with the Department in Burlington,

Wisconsin via certified and first-class mail. An Answer to the Complaint was filed on behalf of the Respondent by her legal counsel on October 9, 2020. The administrative law judge (ALJ) scheduled a telephone pre-hearing conference for October 16, 2020, which was subsequently rescheduled to January 15, 2021, at the request of the parties.

On January 15, 2021, Respondent's legal counsel advised that he was no longer representing the Respondent in this matter. The ALJ attempted to reach Respondent by telephone, to no avail. The ALJ also sent emails to Respondent on January 15, 2021, and January 19, 2021. However, the Respondent did not reply. Accordingly, the ALJ issued a Notice of Rescheduled Telephone Prehearing Conference on January 19, 2021, setting the matter for Wednesday, January 27, 2021, at 10:00 a.m. This notice included instructions for the Respondent to provide the ALJ with a telephone number where she could be reached for the scheduled prehearing conference no later than January 27, 2021. The Respondent did not respond to the ALJ. At the prehearing conference, the Respondent could not be reached by telephone at the number provided by the Division. The ALJ left a voicemail for Respondent instructing her to contact the ALJ within twenty minutes if she wished to contest the matter. Additionally, the ALJ sent an email to all parties confirming the Respondent's failure to appear and the Division's request for a finding of default. To date, the Respondent has failed to respond to all attempts to contact her.

On January 27, 2021, the ALJ issued a Notice of Default and Order against Respondent pursuant to Wis. Admin. Code. § SPS 2.14 and Wis. Admin. Code. § HA 1.07(3)(c) and ordered that the Division file a recommended proposed decision and order by February 26, 2021. The Division timely filed its submission.

FINDINGS OF FACT

Facts Related to the Alleged Violation

1. Respondent Shantell L. Grenier, L.P.N., (DOB: July 21, 1979) is licensed in the state of Wisconsin as a practical nurse, having license number 319155-31, first issued on March 10, 2015 and current through April 30, 2021. (Complaint, ¶ 1)
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 201 North Washington Street, Apartment B, Burlington, Wisconsin 53105. (Complaint, ¶ 2)
3. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a nursing and rehabilitation center (Facility), located in Burlington, Wisconsin. (Complaint, ¶ 3)

4. On November 23, 2018, the Facility's Director of Nursing (DON) conducted an audit to review medication usage at the Facility. Upon discovering suspicious usage of oxycodone, further investigation was conducted which led to the questioning of Respondent. (Complaint, ¶ 4)
5. During questioning, Respondent admitted to the DON and the Nursing Home Administrator that she had diverted and sold narcotics from the Facility in the past. Respondent denied any recent diversion. (Complaint, ¶ 5)
6. Respondent agreed to a urine drug screen which was negative for controlled substances. (Complaint, ¶ 6)
7. The DON contacted the Burlington Police Department and Respondent was arrested. (Complaint, ¶ 7)
8. On May 10, 2019, criminal charges were filed against Respondent in Racine County Circuit Court, case number 2019CM000901, alleging theft from the Facility for actions relating to Respondent's drug diversion. (Complaint, ¶ 8)
9. On September 21, 2020, the Division initiated a disciplinary proceeding against the Respondent and served her with a Notice of Hearing and Complaint. The Respondent filed an Answer to the Division's Complaint on October 9, 2020, substantially admitting the underlying factual allegations contained therein.

Facts Related to Default

10. The Respondent was served with a Notice of Rescheduled Prehearing Conference by U.S. mail on January 19, 2021, consistent with Wis. Admin. Code § SPS 2.08. The Notice included the following instructions: "The Respondent Shantell L. Grenier must contact the undersigned ALJ by electronic mail, telephone, or written correspondence (see contact information below) prior to the prehearing conference to provide a telephone number at which the Respondent may be reached for the telephone conference on Wednesday, January 27, 2021. The Respondent's failure to appear at the rescheduled telephonic prehearing conference or any subsequent hearing may result in default judgment being entered against the Respondent." (Emphasis in original.)
11. Respondent failed to contact the ALJ and failed to appear at the January 27, 2021 prehearing conference. Thus, the Division moved for default against the Respondent.
12. On January 27, 2021, the ALJ granted the Division's motion for default and issued a Notice of Default and Order against Respondent. The Notice required the Division to file a recommended proposed decision and order by

February 26, 2021, which the Division timely filed.

DISCUSSION AND CONCLUSIONS OF LAW

Jurisdictional Authority

The Wisconsin Board of Nursing (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 441.07(1g). Wisconsin Stat. § 440.03(1) provides that the Department “may promulgate rules defining uniform procedures to be used by the department . . . and all examining boards and affiliated credentialing boards attached to the department or an examining board, for . . . conducting [disciplinary] hearings.” These rules are codified in Wis. Admin. Code ch. SPS 2.

Pursuant to Wis. Admin. Code § SPS 2.10(2), the undersigned ALJ has authority to preside over this disciplinary proceeding in accordance with Wis. Stat. § 227.46(1).

Default

As stated in the January 27, 2021 Notice of Default and Order, Respondent is in default for failing to appear at the telephone conference held on January 27, 2021. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3)(c). Pursuant to Wis. Admin. Code § SPS 2.14, if a respondent “fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the Complaint and other evidence.” *See also* Wis. Admin. Code § HA 1.07(3)(b).

Violations

Pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), the Board has the authority to discipline any licensee or license holder for violating the standards of conduct established by the examining board under Wis. Stat. § 440.03(1). In the present matter, the Division has alleged violations under Wis. Admin. Code § N 7.03(2), (8)(b) and (8)(e). Specifically, the Division’s Complaint alleged that the Respondent admitted to selling narcotics that had been diverted from the Facility where she was working as a nurse. Based upon the Respondent’s Answer and her failure to appear at the prehearing to contest the allegations against her, the allegations in the Complaint are accepted as true and may form the basis for a finding against the Respondent. *See* Wis. Admin. Code § SPS 2.14.

As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

Appropriate Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the credential holder; (2) to protect the public from other instances of misconduct; and (3) to deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976). “Protection of the public is the purpose of requiring a license.” *State ex rel.*

Green v. Clark, 235 Wis. 628, 631, 294 N.W. 25 (1940). When a license is granted to an individual, the Board is assuring the public that the licensed individual is competent in his or her profession. *Stringez v. Dep't of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 281, 287, 307 N.W.2d 664 (1981). It follows that if the Board, via the Department, cannot assure the public of the licensee's competence to practice the profession, then suspension is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189-90, 349 N.W.2d 68 (1984).

In the present case, the Division requests that the practical nursing license of Respondent, Shantell L. Grenier, L.P.N., and the privilege to practice under the Enhanced Nurse Licensure Compact be suspended pursuant to the terms and conditions of the Order section below. The recommended discipline is consistent with the purposes articulated in *Aldrich*. Promoting rehabilitation and protection of the public are two main purposes of discipline. Respondent admitted to diverting controlled substances to sell. The Board cannot assure the public that an individual who diverts controlled substances is competent or safe to practice nursing. In addition, the Board cannot ensure that Respondent will practice nursing safely if she is not monitored and required to participate in a treatment program. Thus, requiring supervision and monitoring will allow Respondent to maintain her license while addressing any potential substance abuse issues.

Suspension of Respondent's practical nursing license is necessary to protect the public from other instances of misconduct. The circumstances of Respondent's diversion demonstrate a disregard for the public's trust, the responsibilities to patients, and the law. Imposing anything less than suspension would not aid in deterrence but could imply that such conduct by a licensed nurse is tolerable. Accordingly, suspension remains the only appropriate way in which to safeguard the public and deter other credential holders from committing similar conduct.

Finally, the recommended suspension is consistent with Board precedent in cases of diversion. See *In the Matter of Disciplinary Proceedings Against Melissa R. Owens, R.N.*, Order Number 0004283 (October 8, 2015) (nurse who diverted controlled substances without documentation of a positive urine drug screen, had her license indefinitely suspended with an allowance to petition for a stay of that suspension after three (3) months upon providing proof to the Board that she was in compliance with conditions and limitations placed on her license).¹ See also, *In the Matter of Disciplinary Proceedings Against Leah E. Morgan, R.N.*, Order Number 0006098 (March 14, 2019) (nurse who diverted controlled substances and was charged in criminal court for crimes related to the diversion had her license indefinitely suspended with an allowance to petition for a stay of that suspension after three (3) months upon providing proof to the Board that she was in compliance with conditions and limitations placed on her license).² See also *In the Matter of Disciplinary Proceedings Against Lora L. Satterlee R.N.*, Order Number 0007124 (December 10, 2020) (nurse who diverted controlled substances and was convicted in criminal court for crimes related to the diversion had license suspended for six (6) months with additional conditions and limitations placed upon her license).³

Based upon the facts of this case and the factors set forth in *Aldrich* and in full

¹ This decision is available online at: <https://online.drl.wi.gov/decisions/2015/ORDER0004283-00011864.pdf>.

² This decision is available online at: <https://online.drl.wi.gov/decisions/2019/ORDER0006098-00015326.pdf>

³ This decision is available online at: <https://online.drl.wi.gov/decisions/2020/ORDER0007124-00017273.pdf>

consideration of Board precedent coupled with Respondent's lack of regard for the governing authority that issued her license, I find suspension of Respondent's practical nursing license and privilege to practice practical nursing in Wisconsin under the Enhanced Nurse Licensure Compact, as well as the conditions and limitations of the Order section below, are warranted.

Costs

The Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against Respondent. *See Wis. Stat. § 440.22(2)*. In exercising such discretion, the Board must look at aggravating and mitigating facts of the case; it may not assess costs against a licensee based solely on a "rigid rule or invocation of an omnipresent policy," such as preventing those costs from being passed on to others. *Noesenv. State Department of Regulation & Licensing, Pharmacy Examining Board, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d. 237, 751 N.W.2d 385*. In previous orders, Boards considered the following factors when determining if all or part of the costs should be assessed against the Respondent: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz, LS0802183CHI (Aug. 14, 2008)*. It is within the Board's discretion as to which, if any, of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

In the present matter, the Respondent's Answer substantially admitted the allegations against her. Further, by failing to appear for a hearing and defaulting in this action, the Respondent is deemed to not be contesting the allegations against her. Thus, the Division proved the counts alleged. This is not a case where the Division wasted resources or incurred additional costs by alleging multiple counts and then failed to prove those counts. Second, Respondent's conduct was serious. She not only diverted controlled substances from her employer to sell to others presumably without medical prescription or oversight, but in diverting those medications, she deprived the rightful patients of their treatments. Third, the Division seeks to suspend Respondent's privilege to practice and impose a monitoring scheme. The level of discipline sought is significant and recognizes the need to publicly warn Respondent. Fourth, Respondent failed to appear at the January 27, 2021 prehearing conference and failed to respond to multiple attempts to contact her, demonstrating a lack of cooperation. Fifth, the Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. As such, fairness weighs heavily in requiring Respondent to pay the costs of this proceeding which resulted in significant discipline, rather than spreading the costs among all Board licensees in Wisconsin. Finally, Respondent has failed to present any argument as to why full costs should not be assessed.

Using *Noesen* as guidance, considering the Board's historical reasoning, and considering and applying that reasoning the above facts, the full costs of this proceeding should be assessed against Respondent pursuant to Wis. Admin. Code § SPS 2.18.

ORDER

Accordingly, it is hereby ORDERED that the license of Shantell L. Grenier, L.P.N., (license number 319155-31), to practice as a practical nurse in the state of Wisconsin shall be SUSPENDED as follows:

SUSPENSION

- A.1. The license of Respondent, (license number 319155-31), to practice as a practical nurse in the state of Wisconsin is SUSPENDED for at least one (1) year from the date of this Order.
- A.2. The privilege of Respondent, to practice as a nurse in the state of Wisconsin under the authority of another state's license pursuant to the Enhanced Nurse Licensure Compact is also SUSPENDED for an indefinite period.

STAY OF SUSPENSION

- B.1. After one (1) year from the date of this Order, the suspension of Respondent's Wisconsin practical nursing license may be stayed upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, suspend Respondent's license upon receipt of information that Respondent is in violation of any provision of this Order. The Board or its designee may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
 - (a) Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services (Department) pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within sixty

(60) days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by D.5., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment.

Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collection sites, current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater, treatment facilities and personnel, laboratories, and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an approved equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified by the speaker or chair and reported quarterly to Treater

and the Department Monitor.

Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. Respondent 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. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner prescribing the controlled substance. Respondent shall, at the time the controlled substance is prescribed, immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor. Respondent shall disclose the name and address of such practitioner to the Department Monitor within five (5) business days of receipt of a prescription for controlled substances.
- C.10. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Respondent shall abstain from all use of over-the-counter medications, products, or other substances (including but not limited to natural substances, such as poppy seeds or any products containing alcohol) which may mask consumption of controlled substances or alcohol, create false positive screening results, or otherwise interfere with Respondent's test results, treatment or rehabilitation, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph C.11. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- C.11. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within twenty-four (24) hours of administration, fill, or refill 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, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of the prescription to the Department Monitor.

Drug and Alcohol Screens

- C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
- C.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of 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 violation of this Order. The requirements shall include:

- (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends, and holidays.
 - (b) Production of a urine, blood, sweat, nail, hair, saliva, or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.14. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year (one of which must be a hair test), 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, and/or Respondent may petition for modification of testing frequency per paragraph D.5.
- C.15. If any urine, blood, sweat, nail, hair, saliva, or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent 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.
- C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- C.17. All confirmed positive test results shall be presumed valid. Respondent must prove, by a preponderance of the evidence, an error in collection, testing, fault in the chain of custody, or other valid defense.
- C.18. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- C.19. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances.
- C.20. Respondent shall practice 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.21. Respondent shall practice only in a work setting pre-approved by the Board or its designee. Requests for pre-approval must be accompanied by a current job description, name and contact information of the direct supervisor, and written acknowledgment from the employer that a copy of this Order has been received and that the restrictions will be accommodated.

- C.22. Respondent may not work in a home health care, hospice, pool nursing, assisted living, agency, or as a nurse in a correctional setting.
- C.23. Prior to commencing practice, Respondent shall provide a copy of this Order, and all other subsequent orders, immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- C.24. It is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent'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 appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.
- C.25. Respondent shall report to the Board any change of employment status, residence, address, or telephone number within five (5) days of the date of a change. This report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

MISCELLANEOUS

Department Monitor

- D.1. 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

Respondent may also submit this information online via the DSPS Monitoring Case Management System, at: www.dpsmonitoring.wi.gov

Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program, or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent.

- D.3. Respondent shall submit self-reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. The reports shall include a summary of Respondent's compliance with the terms and conditions of the Order in the previous quarter, Respondent's current address, and home telephone number. The self-report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

Change of Treater or Approved Program by Board

- D.4. If the Board, or its designee, determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board, or its designee, may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.5. Respondent 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 the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. 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 Respondent shall not have a right to any further hearings or proceedings on the denial.
- D.6. Respondent may petition the Board for termination of this Order after demonstrating five (5) years of successful compliance with all terms, including at least 600 hours of approved nursing practice each year. The Board may, on its own motion, grant full Wisconsin licensure at any time.

Costs of Compliance

- D.7. Respondent 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.

Additional Discipline

- D.8. In addition to any other action authorized by this Order or law, the Board, in its discretion, may impose additional limitations or pursue separate disciplinary action for violation of any term of this Order.

IT IS FURTHER ORDERED that Respondent pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to the address listed in paragraph D.1.

above.

IT IS FURTHER ORDERED that the terms of the Order are effective the date the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin on March 25, 2021.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
4822 Madison Yards Way, 5th Floor North
Madison, Wisconsin 53705
Telephone: (608) 266-2447
FAX: (608) 264-9885
Email: Kristin.Fredrick@wisconsin.gov

By: 

Kristin P. Fredrick
Administrative Law Judge