

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 A	:	
REGISTERED NURSE CREDENTIAL	:	
	:	ORDER GRANTING
	:	LIMITED LICENSE
TRAVIS FLOYD,	:	
APPLICANT.	:	ORDER 0007449

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

Travis Floyd
Schofield, WI 54476

Wisconsin Board of Nursing
Department of Safety and Professional Services
4822 Madison Yards Way
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 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. On or about October 21, 2020, Travis Floyd (Applicant) filed an application (#737853) for a Wisconsin Registered Nurse license.

2. Applicant has the following convictions:

A. On or about March 28, 2001 – Operating While Intoxicated (OWI) 1st, an ordinance violation.

i. Applicant states he went out with some friends for a 21st birthday celebration. After drinking, Applicant made the poor decision to drive home. He was pulled over for speeding, failed the Standard Field Sobriety Test (SFST), and blew a Preliminary Breath Test (PBT) of .12. Applicant paid a fine, his driver's license was suspended for six (6) months, and he completed an AODA assessment.

B. On or about July 23, 2018 – OWI 1st, an ordinance violation.

i. Applicant states he went out for dinner with friends and consumed alcoholic beverages. He made the poor decision to drive home and was

pulled over for lane deviation. Applicant failed the SFST and blew a PBT of .12. Applicant paid a fine, his driver's license was revoked for 6 months, and he completed an AODA assessment. Due to the amount of time between his first OWI and this OWI, they were both treated as OWI 1st violations.

3. Applicant also has the following pending charges from offenses alleged to have occurred on or about May 22, 2019:

- A. OWI 3rd, a misdemeanor offense.
- B. Operating with a Prohibited Alcohol Concentration 3rd, a misdemeanor offense.
 - i. Applicant states upon completion of his last final for the semester, he went out to celebrate with a drink. Applicant states he consumed shots and made the unbelievably poor decision to drive. On the way home, Applicant stopped to wash his truck. Applicant was unable to navigate his truck into the car wash and his side mirror broke off. Applicant went into the store to report the incident and staff called the police to report their belief that Applicant was impaired. Applicant failed the SFST, and he blew a PBT of .204

4. Applicant provided the following information relating to his relationship with alcohol:

- A. Applicant provided conflicting personal statements regarding whether Applicant continues to consume alcoholic beverages. On February 16, 2021, Applicant provided a statement that he is currently using alcohol one to two (1-2) times per month, and when he chooses to use, he ensures he has a designated driver. On April 26, 2021, Applicant provided a statement that his sobriety date is September 10, 2019. On May 26, 2021, Applicant provided a statement that on September 22, 2019, he chose to no longer consume alcohol, though he does still go out with friends in environments that serve alcoholic beverages.
- B. Applicant successfully completed the SSTOP program, his driver safety plan for his OWI 3rd, and outpatient counseling at Northcentral Healthcare and was discharged on April 10, 2020.
- C. Applicant's discharge summary noted Applicant has a history of heavy drinking (three to four (3-4) times a week and to intoxication one (1) time per week). During nursing school, Applicant drank two to three (2-3) days per week and to intoxication one (1) time per week. Applicant was diagnosed with alcohol abuse and given the status of "resolved."

D. Applicant does not have a sponsor, is not participating in AA/NA or other similar support groups, he does not have a specified relapse prevention plan, does not currently attend therapy or counseling.

5. Given Applicant's history of alcohol related offenses, that Applicant has only one (1) year of sobriety, that Applicant is not utilizing the classic tools to assist in supporting a sober lifestyle and continues to place himself in environments where alcoholic drinks are prevalent, the Board finds that limitations upon Applicant's Registered Nurse credential are necessary to ensure that he is fit and competent to practice as a Registered, and that Applicant will benefit from the support of an impairment order as he begins engaging in professional nursing.

6. In resolution of the 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. Pursuant to Wis. Stat. § 441.07(1g)(b), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse for one or more violations of this subchapter or any rule adopted by the Board under the authority of this subchapter.

3. Pursuant to Wis. Stat. § 441.07(1g)(c), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license due to acts which show the registered nurse, nurse-midwife or licensed practical nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs or mental incompetency

4. Pursuant to Wis. Stat. § 441.07(1g)(d), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse for misconduct or unprofessional conduct.

5. The Board may deny an application for licensure if Applicant is unable to practice safely by reason of alcohol or other substance use pursuant to Wis. Admin. Code § N 7.03(6)(f).

6. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b),(c), and (d), 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 show Applicant may be unable to practice safely by reason of alcohol or other substance abuse.

7. As a result of the above conduct, Applicant is subject to limitations on his license pursuant to Wis. Stat. §§ 441.07(1g)(b),(c), and (d), and Wis. Admin. Code § N 7.03(6)(f).

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that he is fit and competent to practice as a Registered Nurse.
3. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and his privilege to practice pursuant to the Enhanced Nurse Licensure Compact (Compact), is LIMITED for a period of at least one (1) year as follows:
 - A. For a period of at least one (1) year from the date of this Order Applicant shall comply with the following requirement relating to drug and alcohol monitoring:
 - i. Within thirty (30) days of the date of this Order, Applicant shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
 - 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 he 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 3.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 show a copy of this Order to his current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement 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.
- x. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- xi. Applicant **may** work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances.
- xii. 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 48 hours of any such event, **including any convictions resulting from current pending charges.**
- xiii. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

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 six (6) months 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 one (1) year of successful compliance under this Order, including at least six hundred (600) hours of approved nursing practice during one (1) year, the Applicant may petition the Board for full, unrestricted 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 his 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 his 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: Rosemary Dolatawski ALC
A Member of the Board

06/17/2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR A :
REGISTERED NURSE CREDENTIAL :

TRAVIS FLOYD, :
APPLICANT. :

STIPULATION
ORDER 0007449

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

1. Applicant filed an application for a Registered Nurse license.
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 Registered 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.

Travis L Floyd

Travis Floyd
Schofield, WI 54476
Application no. 737853

6/15/2021

Date

Rosemary Delatowski #20

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

06/17/2021

Date