

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE RADIOGRAPHY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MELISSA L. SHUTTER, R.T.R.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007674**

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Division of Legal Services and Compliance Case No. 20 RAD 001

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

Melissa L. Shutter, R.T.R.  
Tomah, WI 54660

Wisconsin Radiography Examining Board  
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 Radiography Examining Board (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. Melissa L. Shutter, R.T.R. (Respondent), (Year of Birth 1980) is licensed in the state of Wisconsin as a radiographer, having license number 4016-142, first issued on March 2, 2012. This license expired as of August 31, 2020, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until August 30, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Tomah, Wisconsin 54660.

2. At all times relevant to the proceedings, Respondent was employed as a radiographer at a facility (Facility), located in Madison, Wisconsin.

3. On January 8, 2020, Respondent ingested an opiate on her break at approximately 11:00 a.m. and fell asleep while at work at the Facility. Later that same day, Respondent tested positive for benzoylecgonine-cocaine metabolite, morphine, and marijuana metabolite. Respondent was terminated from her position at the Facility.

4. As of February 2021, Respondent is not certified with the American Registry of Radiologic Technologists (ARRT), and is ineligible for reinstatement of certification and registration. ARRT certification is a requirement for Radiography licensure in Wisconsin.

5. 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. § 462.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her license to practice radiography in the state of Wisconsin (license no. 4016-142), as well as her right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice radiography in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,247.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. Respondent shall not petition the Board for reinstatement for at least one (1) year from the date of this Order. If the Respondent petitions for reinstatement after one year, whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

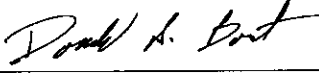
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN RADIOGRAPHY EXAMINING BOARD

By:  Date 11/10/2021  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE RADIOGRAPHY EXAMINING BOARD

RECEIVED  
AUG 30 2021  
DIV LEGAL SERVICES & COMPLIANCE  
DEPT SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MELISSA L. SHUTTER, R.T.R.,  
RESPONDENT.

STIPULATION

ORDER 0007574

Division of Legal Services and Compliance Case No. 20 RAD 001

Melissa L. Shutter, R.T.R. (Respondent) 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 Radiography Examining Board (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.

  
Melissa L. Shutter, R.T.R., Respondent  
Tomah, WI 54660  
License No. 4016-142

8-26-21  
Date

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

9/3/21  
Date