

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARESSA S. BARTH, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0008004

Division of Legal Services and Compliance Case No. 21 NUR 708

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

Caressa S. Barth, R.N.
Lahaina, HI 96761

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 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 Caressa S. Barth, R.N., (Year of Birth 1985) is licensed in the state of Wisconsin as a registered nurse, having license number 176656-30, first issued on February 15, 2011, and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Lahaina, Hawaii 96761.

2. Respondent also maintains credentials as a registered nurse in Minnesota, Georgia, Hawaii, New York, California, and Alaska.

3. On November 4, 2021, the Alaska Board of Nursing (AK Board) issued a Consent Agreement and Order reprimanding Respondent for failing to disclose criminal convictions on her

application for licensure and for the habitual use of alcoholic beverages resulting in criminal charges (AK Order). Respondent's Alaska nursing license was placed on probation for five years effective January 6, 2021, under the following conditions:

- a. Respondent shall participate in an ongoing program of drug rehabilitative counseling with Pu'ulu Lapa'au in Honolulu, Hawaii, (HA Program) or another counselor approved by the AK Board. The AK Board may release Respondent from the counseling requirement upon receipt of a written statement from Respondent's counselor that her rehabilitation has progressed to the point that continued counseling is no longer important to help Respondent maintain a drug-free and/or alcohol-free lifestyle.
 - b. If Respondent leaves the HA Program, monitoring will begin in Alaska.
 - c. Quarterly written reports from Respondent's drug and alcohol rehabilitation counselor.
 - d. Attendance at three Alcoholics Anonymous meetings per week.
 - e. Quarterly reports from Respondent.
 - f. Respondent shall consume no alcohol, controlled drugs, or marijuana.
 - g. Random drug and alcohol testing.
 - h. Respondent shall be under the care of a health care provider approved by the Alaska Board of Nursing.
4. The AK Order was based on the following stipulated facts:
- a. Respondent was convicted of a DUI in McLeod County, Minnesota, in 2010.
 - b. Respondent was convicted of a DUI in Wright County, Minnesota, in 2012.
 - c. Respondent was arrested for a DUI in Carver County, Minnesota, in March 2020.
 - d. Respondent applied for licensure as a registered nurse in Alaska on February 24, 2021 and disclosed her March 2020 arrest. Respondent was ultimately convicted of that charge in May 2021. Respondent did not disclose her 2010 or 2012 convictions.
 - e. Respondent provided proof of enrollment and compliance in the HA Program, which started on January 6, 2021.
5. On January 7, 2021, the Hawaii Board of Nursing agreed to approve Respondent's application for licensure on the condition that she comply with the five-year HA Program.
6. On August 30, 2021, Respondent reported her 2021 DUI misdemeanor conviction to the Department on her Emergency Order Renewal Form. Her Wisconsin license was changed to active status on September 1, 2021.

7. Respondent maintains she has been sober since March 2020 and is complying with the HA Program.

8. 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 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 had a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or the credential holder was otherwise disciplined in another state, territory, or country, within the meaning of Wis. Admin. Code § N 7.03(1)(b).

3. By the conduct described in the Findings of Fact, Respondent was unable to practice safely by reason of alcohol or other substance use, within the meaning of Wis. Admin. Code § N 7.03(6)(f).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c) and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 176656-30), and Respondent's privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact (Compact), are LIMITED as follows:

a. Respondent shall comply with the AK Order. A violation of the AK Order is a violation of this Order.

b. Respondent shall notify the Board of any modifications to the AK Order by sending a copy of the modified AK Order to the Department Monitor at the address below with ten (10) days of the AK Board's action.

c. Respondent shall submit quarterly reports to the Board similar to those required in the AK Order at the address provided below.

d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that she has successfully complied with all terms and conditions of the AK Order and her Alaska nursing license has been restored to full, unrestricted status.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$532.00.

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. In the event Respondent violates any term of this Order, Respondent's license (number 176656-30), 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.

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

WISCONSIN BOARD OF NURSING

By:

 Ra
A Member of the Board of Nursing

Date

6/9/22

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARESSA S. BARTH, R.N.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008004

Division of Legal Services and Compliance Case No. 21 NUR 708

Respondent Caressa S. Barth, 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



Caressa S. Barth, R.N., Respondent
Lahaina, HI 96761
License No. 176656-30

5/24/22
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

5/24/2022
Date