

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 :
RENEWAL OF A REGISTERED NURSE :
CREDENTIAL : ORDER GRANTING
 : LIMITED LICENSE
 :
ASHLEY HALOPKA, R.N., :
APPLICANT. : **ORDER 0008073**

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

Ashley Halopka, R.N.
Unity WI 54888

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 renewal 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 January 15, 2022, Ashley Halopka, R.N. (Applicant) filed an application to renew her Wisconsin Registered Nurse license (235595-30).
2. On or about April 7, 2022, Applicant was convicted of Reckless Driving Causing Great Bodily Harm, a misdemeanor conviction.
 - A. The police report states Applicant was traveling at what was described by a witness as “high speed.” Applicant told the police she was speaking to her husband over Bluetooth in her car when she rear-ended an Amish horse-drawn buggy that was pulling a trailer. Applicant told police she tried to brake, but police review of video surveillance from a nearby establishment did not show any evidence of any attempts to brake until well into the crash. Witnesses stated they observed no attempts to slow down or brake as Applicant crashed into the Amish buggy. The occupant of the buggy tried to signal to Applicant with his arm to get Applicant’s attention to no avail. The trailer detached from the buggy and struck a third vehicle. Three (3)

total individuals were injured. The operator of the buggy was ejected. The occupant of the buggy suffered great bodily injury as he lost an upper portion a finger.

- i. The conviction is serious and resulted in bodily harm to three (3) individuals.
- B. A Registered Nurse license may offer an opportunity to engage in similar criminal activity should Applicant work in a home health, travel nurse, or other capacity involving driving not only herself but potential patient(s).
- C. Professional judgement and concern for the welfare of people are necessary characteristics for a professional nurse. Applicant's conviction demonstrates characteristics that are inapposite to the characteristics and responsibilities of a Registered Nurse.
- D. A Registered Nurse is responsible for ensuring the preservation of bodily safety and wellbeing.
- E. Professional nursing necessitates a great deal of focus and care for others.

3. Department records demonstrate that Applicant did not timely report her April 7, 2022, misdemeanor conviction to the Board within forty-eight (48) hours of the judgement of conviction.

4. 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. § 441.51(3)(c)8., an applicant for a multistate privilege must not be convicted or found guilty, or entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis.

3. By the conduct described in the Findings of Fact, the Board has determined Applicant is ineligible to maintain a multistate privilege as Applicant has been convicted of a misdemeanor offense related to the practice of nursing.

4. Pursuant to Wis. Stat. § 440.03(13)(am), a person holding a credential who is convicted of a misdemeanor anywhere shall send a notice of the conviction by first class mail to the Department of Safety and Professional Services or Board within forty-eight (48) hours after the entry of the judgment of conviction.

5. Applicant engaged in unprofessional conduct by failing to report her conviction to the Board within forty-eight (48) hours of entry of the judgment of conviction as required by Wis. Stat. §§ 440.03(13)(am), 441.07(1g)(b) & (d), and Wis. Admin. Code § SPS 4.09(2) and § N 7.03(1)(h).

6. Pursuant to Wis. Stat. § 440.08(4), the Board may deny a renewal if it is necessary to protect the public health, safety, or welfare.

7. By the conduct described in the Findings of Fact, Applicant is subject to limitations on her license pursuant to Wis. Stat. § 440.08(4), as necessary to protect the public health, safety, or welfare.

8. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 440.03(13)(am), 440.08(4), 441.07(1g)(b), 441.07(1g)(d), and Wis. Admin. Code §§ SPS 4.09(2) and N 7.03(1)(h).

9. Pursuant to Wis. Stat. § 441.51(3)(g)2., a nurse who fails to satisfy the multistate licensure requirements under Wis. Stat. § 441.51(3)(c) due to a disqualifying event shall be ineligible to retain a multistate license. Applicant's misdemeanor conviction is related to the practice of nursing and therefore fails to satisfy the multistate licensure requirements under Wis. Stat. § 441.51(3)(c)8. and is a disqualifying event pursuant to NLC § 100(6).

ORDER

1. The attached Stipulation is accepted.

2. As of July 26, 2022, you are ineligible to retain your multistate due to your misdemeanor conviction which is related to the practice of professional nursing. Your multistate privilege is DEACTIVATED. Your license is a Wisconsin single state license and your practice under your license #235595-30 is limited to Wisconsin.

3. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that she is fit and competent to practice as a Registered Nurse.

4. Applicant's Registered Nurse license is a Wisconsin single state license and Applicant's practice under Applicant's license is limited to Wisconsin during the pendency of this order.

5. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and her privilege to practice pursuant to the Nurse Licensure Compact (Compact), is LIMITED for a period of at least two (2) years as follows:

- A. Applicant shall show a copy of this Order to her 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.

- B. It is Applicant's responsibility to arrange for her professional nursing supervisor(s) to provide work reports to the Department Monitor every six (6) months, beginning forty-five (45) days from the date of this Order. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant's work performance, and shall include the number of hours of active nursing practice worked during that six (6) month reporting period. If a report indicates poor performance, the Board may institute additional limitations on Applicant's nursing license, in its discretion.
- C. 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.
- D. Applicant shall practice only in a work setting pre-approved by the Board or its designee.
- E. Applicant shall **not** work in a home health care, hospice, pool nursing, assisted living, agency-setting, or as a nurse in a correctional setting
- F. Applicant shall **not** drive patients while working in a position that requires her nursing credential.
- G. Applicant **may** work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances.
- H. 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 forty-eight (48) hours of any such event.
- I. 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.

6. 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 one (1) year 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.

7. Applicant may petition the board for full, unrestricted licensure at any time upon submission of proof satisfactory to the Board that Applicant has successfully completed all of the requirements of her term of Probation in Marathon County Case number 21CF813.

8. Applicant may also, after two (2) years of successful compliance under this Order, including at least six hundred (600) hours of approved nursing practice each year, 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.

9. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, while her license is encumbered by any limitation or restriction imposed by this order.

10. 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>

11. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her 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.

12. 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.

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

WISCONSIN BOARD OF NURSING

By: Dr. Janice Edelstein, R.N., ALC
A Member of the Board

08/04/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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

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STIPULATION

ASHLEY HALOPKA, R.N.,
APPLICANT.

ORDER 0008072

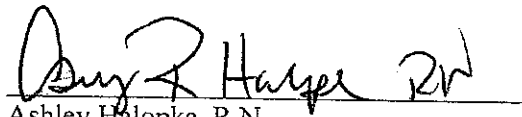
It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application to renew a Registered Nurse credential.
2. Information received by the Board reflects a basis for denial of the renewal application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a renewal of 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 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.



Ashley Halopka, R.N.
Unity WI 54888
License no. 235595-30

8/3/22
Date

Dr. Janice Edelstein, R.N. /ALC

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

08/04/2022
Date