

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
FRANCISCO J. SOLIS, R.N.,	:	
RESPONDENT.	:	

ORDER 0008085

Division of Legal Services and Compliance Case No. 21 NUR 002

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

Francisco J. Solis, R.N.
Alton, TX 78573

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. Francisco J. Solis, R.N. (Respondent), (Year of Birth 1991) is not and has never been licensed as a nurse in the state of Wisconsin. Respondent is licensed as a registered nurse in the state of Texas (license no. 918866), first issued on March 1, 2017, and current through September 30, 2023. Respondent's multistate privileges under the Enhanced Nurse Licensure Compact (Compact) are currently suspended. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is, Alton, Texas 78573.

2. At all times relevant to these proceedings, Respondent's Texas nursing license had active multistate practice privileges and Respondent was employed as a registered nurse at a hospital in Wausau, WI (Facility).

3. On January 3, 2021, while working at the Facility, Respondent tampered with a patient's fentanyl drip bag by puncturing it to obtain fentanyl for personal use. Respondent also diverted and ingested lorazepam and oxymorphone. Respondent provided a urine sample which tested positive for the presence of fentanyl, lorazepam, and oxymorphone.

4. While Respondent was on duty as a nurse at the Facility, Facility staff observed Respondent as groggy, unable to focus or pay attention, and falling asleep.

5. Respondent is subject to an Order by the Texas Board of Nursing (Texas Order). The Texas Order included findings that Respondent misappropriated lorazepam and fentanyl belonging to the Facility for personal use, that Respondent lacked fitness to practice professional nursing in that he was observed as groggy and falling asleep while on duty, and that Respondent unlawfully used fentanyl, lorazepam, and oxymorphone. The Texas Order placed conditions on Respondent's Texas nursing license, including mandatory participation in a peer assistance program and remedial education courses.

6. On March 4, 2021, the Department mailed a letter to Respondent's address on file with the Department requesting information related to these disciplinary proceedings. The Department did not receive a response.

7. On March 26, 2021, the Department emailed and mailed a request for information to Respondent's e-mail address on file with the Department and to Respondent's address on file with the Department. The e-mail was returned as undeliverable and the Department did not receive a response to the mailed request.

8. On April 23, 2021, the Department called Respondent at a phone number listed on a LexisNexis public records report and left a voicemail requesting a response. The Department never received a response.

9. On May 27, 2021, the Department called Respondent at a phone number provided by the Facility and left a voicemail message requesting a response. The Department never received a response.

10. On June 15, 2021, the Department sent an e-mail to Respondent's e-mail address listed on NURSUS requesting a response. The Department never received a response.

11. 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. Stats. §§ 441.07 and 441.51(3)(d), 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 had the credential holder 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 obtained, possessed or attempted to obtain or possess a drug without lawful authority within the meaning of Wis. Admin. Code § N 7.03(8)(e).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stats. §§ 441.07(1g)(b), (c), and (d), 441.51(3)(d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent's multistate privilege to practice nursing in Wisconsin pursuant to licensure in Texas (license no. 918866), or licensure in any other Compact state, is **SUSPENDED** for an indefinite period.

3. Respondent may petition for termination of the suspension after providing the Board all of the following:

a. Written documentation from the Texas Board of Nursing verifying that Respondent holds a full and unencumbered license to practice nursing in the state of Texas. Respondent shall be responsible for ensuring the written verification is mailed to the Department.

b. Proof that Respondent holds a multistate privilege to practice nursing pursuant to licensure in any Compact state.

4. The decision whether to terminate the suspension is solely within the discretion of the Board or its designee.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,073.00.

6. 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://dpsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By: Robert Weimer, RN-CCNP
A Member of the Board of Nursing

8/11/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FRANCISCO J. SOLIS, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008085

Division of Legal Services and Compliance Case No. 21 NUR 002

Respondent Francisco J. Solis, 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.

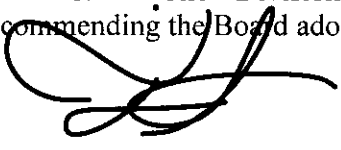
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

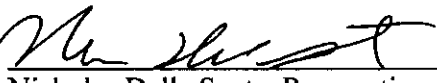
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Francisco J. Solis, R.N., Respondent
Alton, TX 78573
Texas License No. 918866

07/05/2022

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

7/13/22

Date