

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
ABIGAIL J. MILLER, R.N., :
RESPONDENT. :

ORDER 0008090

Division of Legal Services and Compliance Case No. 20 NUR 295

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

Abigail J. Miller, R.N.
West Allis, WI 53219

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 Wisconsin 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 Abigail J. Miller, R.N., (Year of Birth 1991) is licensed in the state of Wisconsin as a registered nurse with multi-state practice privileges pursuant to the Nurse Licensure Compact (Compact) having license number 197340-30, first issued on August 9, 2013 with an expiration date of February 28, 2022.¹

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in West Allis, Wisconsin.

¹ Pursuant to Governor Evers' 2020 Emergency Order #2, expired healthcare licenses for in-state, permanent licensees remain active for the duration of the national public health emergency.

3. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a dialysis center (Center) located in Waukesha, Wisconsin.

4. On June 3, 2020, while driving to work at the Center, Respondent collided with a glass enclosed bus stop.

5. Respondent was arrested for Operating While Intoxicated – 1st Offense.

6. Respondent does not dispute the allegations and admits to heavily drinking the night before.

7. On February 11, 2021, Respondent entered into an impairment program, separate from this Order, and signed the impairment program contract.

8. As of May 24, 2022, Respondent remains in the impairment program and has been fully compliant.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing 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. A nurse who possesses a multistate license from Wisconsin is ineligible to retain or renew the multistate license should the nurse incur a disqualifying event after the effective date of the Nurse Licensure Compact pursuant to Wis. Stat. § 441.51(3)(g). The effective date of the Compact is July 20, 2017.

3. A nurse who possesses a multistate license from Wisconsin is ineligible to retain or renew the multistate license if the nurse is currently enrolled in an alternative program pursuant to Wis. Stat. § 441.51(3)(c)9. “Alternative program” means a non-disciplinary monitoring program approved by a licensing board pursuant to Wis. Stat. § 441.51(2)(b).

4. By the conduct described in the Findings of Fact, Respondent is ineligible to retain a Wisconsin multistate license to practice nursing pursuant to Wis. Stat. §§ 441.51(3)(c)9. and 441.51(3)(g).

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

6. 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 multistate license is deactivated. Respondent retains a single-state registered nurse license to practice nursing in Wisconsin, along with the right to apply for renewal of the single-state registered nurse license.
3. The registered nurse license (197340-30) issued to Respondent and her privilege to practice in the state of Wisconsin under another state's license is LIMITED as follows:
 - a. Respondent must comply with the impairment program contract dated February 11, 2021.
 - b. Any violation of the terms of the impairment program contract, dated February 11, 2021, is a violation of this order.
 - c. Respondent may petition for termination of these limitations upon successful completion of the impairment program.
4. In the event Respondent is discharged from the impairment program prior to successful completion, Respondent's license may, in the discretion of the Board or its designee, be immediately SUSPENDED. In addition to, or instead of, the suspension, the Board may impose additional limitations to address any concerns with the conduct contained in the Findings of Fact and involved in Respondent's discharge from the impairment program.
5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$455.00.
4. 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) 267-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

7. In the event Respondent violates any term of this Order, Respondent's license (number 197340-30), 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.

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

WISCONSIN BOARD OF NURSING

By: Robert Weimer TW-CCAP
A Member of the Board

8/11/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ABIGAIL J. MILLER, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008090

Division of Legal Services and Compliance Case No. 20 PHM 295

Abigail J. Miller, R.N. (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. Respondent is represented by Attorney Kristin Nelson

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

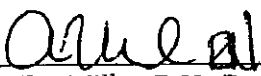
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 or Respondent's attorney, 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.

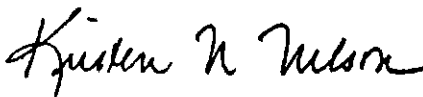
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.




Abigail J. Miller, R.N., Respondent
West Allis, WI 53219
License No. 197340-30

6-10-22
Date



Kristin Nelson, Attorney for Respondent
Gimbel Reilly Guerin Brown LLP
330 E Kilbourn Ave. Ste 1170
Milwaukee, WI 53202

6-10-22
Date



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

6/10/2022
Date