

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR :  
LICENSED PRACTICAL NURSE CREDENTIAL :  
 :  
 : ORDER GRANTING  
 : LIMITED LICENSE  
VALERIE A. DANGERFIELD, :  
APPLICANT. : **ORDER 0008262**

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

Valerie A. Dangerfield  
Kenosha WI 53140

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 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. Valerie A. Dangerfield (Applicant) resides in Wisconsin.
2. On or about November 11, 2021, Applicant filed an application (#783758) for a Wisconsin Licensed Practical Nurse credential.
3. Information on file demonstrates Applicant has the following pending criminal charge for an incident alleged to have occurred on September 27, 2021:
  - A. Injury by Intoxicated Use/Vehicle, a felony offense, in violation of Wis. Stat. § 940.25(1)(a).
  - B. Refuse to Take Test for Intoxication After Arrest, an ordinance violation.
    - i. Applicant provided a statement that she was out celebrating a friend's birthday.
    - ii. The criminal complaint states that on a Friday around 5:30 p.m., police were dispatched to a vehicle crash with injuries. Upon arrival, police

observed a black vehicle, whose rear end was crushed nearly to the middle of the vehicle. Applicant was the driver of a silver vehicle with front end damage and deployed airbags. Police believe Applicant caused the serious motor vehicle accident.

- iii. The complaint states that a witness reported they observed Applicant placing an object behind a tree; this was later found to be a bottle of bourbon. Applicant initially denied consuming alcohol, but when confronted about the bottle bourbon Applicant hid behind a tree, Applicant admitted she did consume alcohol; two (2) shots of whiskey at a bar after leaving work.
- iv. The complaint states Applicant told police she had pulled over after realizing she must have hit something, which police believed indicated Applicant did not know what she had struck (another vehicle whose backend was crushed into the middle of the car, causing injuries including a concussion, two (2) broken ribs, and pneumothorax, and resulting in Applicant's own car air bags deployment and heavy front-end damage). Police observed a moderate odor of intoxicants emanating from Applicant's breath, her eyes were bloodshot, her speech was slurred, and she failed the Standard Field Sobriety Tests (SFST).
- v. On or about September 27, 2021, Applicant enrolled in the Wisconsin Community Services' (WCS) Kenosha Intoxicated Driver Intervention Program, which requires:
  - a. Meetings with a case worker, random Alcohol and Other Drug Abuse (AODA) testing, zero (0) tolerance of AODA use, completion of a driver safety plan, enrollment in AODA treatment, and no further arrests.

4. Given your pending charges, on April 18, 2022, the Board sent you a request to undergo a Fitness to Practice (FTP) assessment which evaluated several specified areas and provided a professional opinion on your fitness to practice practical nursing. Among other things the FTP assessment found:

- A. Applicant likely has alcohol use disorder and cannabis abuse, uncomplicated.
- B. Applicant has several mental health diagnoses in need of treatment.
- C. Applicant has ADHD, which is commonly associated with increased vulnerability to substance abuse, making poor and/or impulsive choices, being emotionally immature, taking risks and having low frustration tolerance.

D. Applicant was determined to be somewhat immature, impulsive, prone to taking risks and being rebellious, sometimes using bad judgment,

E. Applicant is likely fit for duty with accommodations.

5. In resolution of this 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. §§ 441.07(1g)(b), (c), and (d), and Wis. Admin. Code § 7.03(6)(f), a Licensed Practical Nurse may be denied for unprofessional conduct including, acts which show Applicant to be unfit or incompetent by reason of abuse of alcohol or other drugs; or being unable to practice safely by reason of alcohol or other substance abuse.

3. By the conduct described in the Finding of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b), (c), and (d), and Wis. Admin. Code § 7.03(6)(f), by committing acts which Applicant to be unfit or incompetent by reason of abuse of alcohol or other drugs; and Applicant is unable to practice safely by reason of alcohol or other substance abuse.

4. Pursuant to Wis. Stat. §§ 441.07(1g)(b), and (d), a Licensed Practical Nurse may be denied for unprofessional conduct for unprofessional conduct or acts which show the nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs, or mental incompetency.

5. By the conduct described in the Finding of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b) and (d), and Wis. Admin. Code § 7.03(6)(g), Applicant is unable to practice safely by reason of psychological impairment or mental disorder.

6. Pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03(2), the Board may deny an initial license for unprofessional conduct, including violating a law substantially related to nursing.

7. Pursuant to Wis. Stat. § 111.335(2)(b), it is not employment discrimination because of arrest record to refuse to license any individual who is subject to a pending criminal charge if the circumstances of the charge substantially relate to the circumstances of the licensed activity, except as provided in Wis. Stat. § 111.335(4)(a).

8. Pursuant to Wis. Stat. § 111.335(4)(a)1., it is employment discrimination because of arrest record for a licensing agency to refuse to license any individual under Wis. Stat. § 111.335(2)(b) solely because the individual is subject to a pending criminal charge, unless the circumstances of the charge substantially relate to the circumstances of the particular licensed activity and the charge is for an exempt offense.

9. Injury by Intoxicated Use/Vehicle, a felony offense, in violation of Wis. Stat. § 940.25(1)(a), is substantially related to the practice of practical nursing.<sup>1</sup>

10. Pursuant to Wis. Stat. § 111.335(1m)(b)1., Injury by Intoxicated Use/Vehicle, a felony offense, in violation of Wis. Stat. § 940.25(1)(a), is an exempt offense.

11. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 111.335(2)(b), 111.335(4)(a)1., 441.07(1g)(b), 441.07(1g)(c), and 441.07(1g)(d). and Wis. Admin. Code §§ N 7.03(2), 7.03(6)(f), and 7.03(6)(g).

### ORDER

NOW, THEREFORE, IT IS ORDERED that VALERIE A. DANGERFIELD'S application for a LICENSED PRACTICAL NURSE CREDENTIAL is GRANTED subject to the following LIMITATIONS, TERMS AND CONDITIONS:

#### CONDITIONS AND LIMITATIONS

##### Practice Limitations

A.1. Applicant shall provide a copy of this Order, all previous Orders and any future Order to her employer's human resources department and direct supervisor at all settings where Applicant works as a Licensed Practical Nurse or care giver or provides health care, currently or in the future, during the duration of the limited license. Applicant shall provide the Department and Safety and Professional Services Monitor (Department Monitor) with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment 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.

A.2. It is Applicant's responsibility to arrange for written reports from her direct supervisor to be provided to the Department Monitor on a quarterly basis. These reports shall assess Applicant's work performance, attendance and include the number of hours of active nursing practice worked during that quarter.

A.3. Applicant shall **not** work in a home health care, hospice, pool nursing, assisted living, agency-setting, in a skilled nursing facility, or as a nurse in a correctional setting.

A.4. Applicant shall practice only in a work setting pre-approved by the Board or its designee and only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee. Applicant shall **not** work in a mental health

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<sup>1</sup> Pursuant to Wis. Stat. § 111.335(4)(c)2., because Injury by Intoxicated Use/Vehicle in violation of Wis. Stat. § 940.25(1)(a) is an exempt offense, the Board is not required to state in writing its reason(s) for denial of licensure or provide a statement of how the circumstances of the offense relate to the particular licensed activity. Further, the Board is not required to allow the individual to show evidence of rehabilitation and fitness to engage in the licensed activity.

setting as a nurse until the Board determines that Applicant has established a period of stability of at least one (1) year in sobriety as well as emotional and psychological stability evidenced by consistent participation in therapy as recommended from Applicant's Mental Health Treater and compliance with any prescribed psychotropic medications.

A.5. Applicant **may** work as provider in a setting in which Applicant has access to controlled substances. If AODA Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.

A.6. Applicant shall report to the Department of Safety and Professional Services Monitor (Department Monitor) any change of employment status, residence, address or telephone number within five (5) days of the date of a change. This report shall be provided in addition to formal change of address notification pursuant to Wis. Stat. § 440.11.

#### AODA Treatment Required

A.8. Within thirty (30) days of the date of this Order, Applicant shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (AODA Treater). Applicant shall participate in, cooperate with, and follow all treatment recommended by AODA Treater.

A.9. Applicant shall immediately provide AODA Treater with a copy of this Order and all other subsequent orders. Applicant shall also provide AODA Treater with a copy of her FTP assessment completed by Dr. Glassman, evaluation date August 24, 2022.

A.10. AODA Treater shall be responsible for coordinating Applicant's rehabilitation and treatment program as required under the term of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If AODA Treater is unable or unwilling to serve as AODA Treater, Applicant shall immediately seek approval of a successor AODA Treater by the Board or its designee.

A.11. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by AODA Treater. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by B.5., below.

A.12. AODA Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in the drug and alcohol treatment program. AODA Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

A.13. Applicant shall provide and keep on file with AODA Treater, all treatment facilities and personnel, laboratories and collections sites, current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to:

- a. obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
- b. discuss the progress of Applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

#### AA/NA Meetings

A.14. Applicant shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or a Board-approved equivalent program for recovering professionals, at the frequency recommended by AODA Treater, but no less than twice per week. Attendance of Applicant at such meetings shall be verified and reported quarterly to AODA Treater and the Department Monitor.

#### Sobriety

A.15. Applicant shall abstain from all personal use of alcohol.

A.16. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner prescribing the controlled substance. Applicant shall, at the time the controlled substance is prescribed, immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, AODA Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor. Applicant shall disclose the name and address of such practitioner to the Department Monitor within five (5) business days of receipt of a prescription for controlled substances.

A.17. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Applicant shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds or any products containing alcohol) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or otherwise interfere with Applicant's test results, treatment or rehabilitation, unless ordered by a physician and approved by AODA Treater, in which case the drug must be reported as described in paragraph A.18. It is Applicant's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.

A.18. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (24) hours of administration, fill, or refill of the medication(s) or drug(s), and shall identify the person(s) who prescribed, dispensed, administered, or ordered said medication(s) or drug(s). Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.

## Drug and Alcohol Screens

A.19. Within 30 days of the date of this Order, Applicant shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department Monitor (Approved Program).

A.20. At the time Applicant enrolls in the Approved Program, Applicant shall review all the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:

- a. contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays, and
- b. production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

A.21. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year (one (1) of which may be a hair test at the Board's discretion), for at least the first year of the Order. Thereafter the Board may adjust the frequency of testing on its own initiative at any time, and/or the Applicant may petition for a modification of the frequency per paragraph B.5. below.

A.22. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

A.23. In addition to any requirement of the Approved Program, the Board or its designee may require Applicant to do any or all of the following:

- a. submit additional urine specimens;
- b. submit blood, hair or breath specimens;
- c. furnish any specimen in a directly witnessed manner.

A.24. All confirmed positive test results shall be presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

A.25. The Approved Program shall submit information and reports to the Department Monitor as directed.



### Mental Health Treatment Required

A.26. Within thirty (30) days of the date of this order, Applicant shall provide proof to the Department Monitor that Applicant is seeking or continuing mental health treatment with a mental treatment provider (Mental Health Treater), whose credential is in good standing, and approved by the Board. Applicant shall participate in, cooperate with, and follow all treatment recommended by Mental Health Treater.

A.27. Applicant shall immediately provide Mental Health Treater with a copy of the Order and all subsequent orders. Applicant shall also provide AODA Treater with a copy of her FTP assessment completed by Dr. Glassman, evaluation date August 24, 2022.

A.28 Applicant should engage in a course of focused outpatient psychotherapy to address the issues identified in Applicant's FTP assessment.

A.28. Applicant's treatment shall include individual and/or group therapy sessions at a frequency to be determined by Mental Health Treater, but not less than once a month. Applicant must attend sessions regularly and continue therapy as long as it is recommended to address her treatment goals. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification, including a recommendation from Mental Health Treater expressly approving termination of therapy.

A.29. Mental Health Treater shall immediately report any concerns, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Mental Health Treater is unable or unwilling to serve as Mental Health Treater, Applicant shall immediately seek approval of a successor Mental Health Treater by the Board or its designee.

### Nurse License Compact

A.30 Your Licensed Practical Nurse license is a Wisconsin single state license and your practice under your license is limited to Wisconsin during the pendency of this order. If you wish to obtain a multistate privilege in the future, you may reapply for multistate privilege at any time after demonstrating complete successful compliance with the terms of this Order and your license has been changed to full, unencumbered status.<sup>2</sup>

### Intoxicated Driver Intervention Program

A.31. Applicant shall comply with all terms and conditions of the WCS Kenosha Intoxicated Driver Intervention Program. Any violations or failure to comply with the requirements of Applicant's WCS plan must be reported to the Board within forty-eight (48) hours of the violation

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<sup>2</sup> A felony conviction is a disqualifying event pursuant to NLC § 100(6). A felony conviction fails to satisfy the multistate licensure requirements under Wis. Stat. § 441.51(3)(c)7. 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.

A.32. The Board may consider whether Applicant's WCS participation and requirements may satisfy any of the terms of this Order.

## MISCELLANEOUS

### Department Monitor

B.1. 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>

### Required Reporting by Applicant

B.2. Applicant is responsible for compliance with all the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Applicant.

B.3. Applicant shall submit self-reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. The reports shall include a summary of Respondent's compliance with the terms and conditions of the Order in the previous quarter, Applicant's current address, and home telephone number.

### Change of Treaters or Approved Program by Board

B.4. If the Board or its designee determines the AODA Treater, Mental Health Treater, or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Applicant continue treatment and rehabilitation under the direction of another AODA Treater, Mental Health Treater, or Approved Program

Petitions for Modification of Limitations or Termination of Order

B.5. Applicant may petition the Board on an annual basis for modification of the terms of this Order, however, no petition for modification shall be considered sooner than one (1) year from the date of this Order. Any petition for modification shall be accompanied by a written recommendation from Applicant's Treater expressly supporting the specific modification(s) sought. 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.

B.6. Applicant may petition the Board for termination of this Order after demonstrating two (2) years of continuous, successful compliance with the terms of the Order, including at least six hundred (600) hours of approved nursing practice each year. The Board may, on its own motion, grant full Wisconsin licensure at any time.

Costs of Compliance

B.7. 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.

Additional Discipline

B.8. If Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance 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.

Dated at Madison, Wisconsin this 15th day of November, 2022.

WISCONSIN BOARD OF NURSING

By: Vera Guyton, L.P.N. / ALC  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR :  
LICENSED PRACTICAL NURSE CREDENTIAL :  
 :  
 : STIPULATION  
VALERIE A. DANGERFIELD, :  
 APPLICANT. :

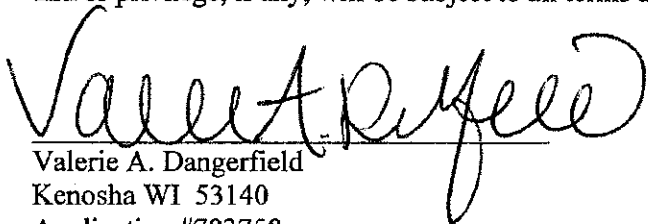
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It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

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



Valerie A. Dangerfield  
Kenosha WI 53140  
Application #783758

11-10-2022  
Date

Vera Guyton, L.P.N. / ALC  
A Member of the Board of Nursing  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

11/15/2022  
Date