

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
RENEWAL APPLICATION FOR A
REGISTERED NURSE CREDENTIAL

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ORDER GRANTING
LIMITED LICENSE

COURTNEY L. LINDMAN, R.N.
APPLICANT.

ORDER 0008278

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

Courtney L. Lindman, R.N.,
Eau Claire, WI 54703

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. Courtney L. Lindman, R.N., (Applicant) filed an application to renew her Wisconsin Registered Nurse license (license no. 223934-30).

2. Applicant resides in Wisconsin.

3. Information received in the application process reflects that Applicant has the following convictions:

A. On or about August 16, 2022 – Operating While Intoxicated (OWI) 3rd, a misdemeanor conviction.

i. Applicant stated that she had received threatening texts from an ex, as a result she drank a lot, and stated she guesses she chose to drive thinking it best to get away from her house due to the threats.

- ii. The criminal complaint states police were dispatched to a report of a property crash at approximately 11:45 p.m. A witness told police he heard an engine revving, tires squealing, and a loud crash. The witness's mailbox had been hit and he recognized the driver as Applicant, his neighbor. Applicant drove away from the scene, but eventually stopped due to a broken tire. Applicant was refusing to comply with police commands, was lying face down on the ground, with police trying to gain control of her. Applicant was screaming and yelling expletives. Police observed a strong odor of alcohol on Applicant's breath, her eyes were glassy and bloodshot, her speech was slurred, and she rapidly switched between crying and yelling throughout their interactions. Applicant refused the Standard Field Sobriety Tests, answering police with expletives. Applicant's Blood Alcohol Concentration (BAC) returned at .188. Applicant paid a fine, was sentenced to one hundred ten (110) days jail, completed fifty (50) hours of community service, Applicant's driver's license is revoked for twenty-five (25) months, Applicant has an Ignition Interlock Device for eighteen (18) months, and completed an Alcohol and Other Drug Abuse (AODA) assessment.
 - iii. During the interaction with police, Applicant also used derogatory language and made threats to police officers to "watch" their loved ones. Applicant further threatened the police stating she had friends who could blow the officer up with explosives
- B. Applicant has the following prior OWI convictions:
- i. On or about June 23, 2004 – Alcohol Concentration of .10 within Two Hours, a misdemeanor conviction in Minnesota.
 - ii. On or about June 30, 2005 – Traffic – Driving While Intoxicated – Operate Motor Vehicle – Alcohol Concentration .10 Within Two Hours, a gross misdemeanor conviction in Minnesota.
- C. Department records show Applicant had an AODA assessment from 2003, wherein she was diagnosed with Alcohol Dependence. Applicant was recommended to maintain abstinence, participate in aftercare attend support groups, maintain contact with a sponsor, seek sober friendships and leisure activities, and fulfill all legal obligations.
- i. Despite her diagnosis and recommendations to maintain sobriety, Applicant returned to consuming alcohol around the age of twenty-nine (29), in 2011.
- D. Applicant's Order for Assessment and Driver Safety Plan Report in connection with Applicant's OWI 3rd conviction found Alcohol Dependency. Applicant was required to complete outpatient treatment.

i. Applicant states she is working on her sobriety, Applicant reports her sobriety date is November 7, 2021, and Applicant participated in the Justice Reinvestment Initiative (JRI). JRI dictated the terms of Applicant's sentence, required outpatient treatment, and random urine analyses. Applicant states she is attending support groups and has a relapse prevention plan.

E. Department records show Applicant did not report her OWI 3rd conviction to the Board within forty-eight (48) hours of the entry of the judgment of conviction.

4. 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. The Board may deny or limit a license if Applicant committed a violation of Wis. Stat. § 441.07(1g).

3. By the conduct described in the Findings 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 show 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. § 440.08(4), the Board may deny the Applicant's application for renewal of Applicant's Registered Nurse license to protect the public health, safety, or welfare.

5. By the conduct described in the Findings of Fact, limitations on Applicant's license are necessary to protect the public health, safety, or welfare, pursuant to Wis. Stat. § 440.08(4).

6. Pursuant to Wis. Stat. §§ 440.03(13)(am), 441.07(1g)(b), and 441.07(1g)(d), and Wis. Admin. Code § SPS 4.09(2) and § N 7.03(1)(h), Applicant was obligated to report the conviction to the Board within 48 hours of entry of the judgment of conviction.

7. Applicant violated Wis. Stat. §§ 440.03(13)(am), 441.07(1g)(b), and 441.07(1g)(d), and Wis. Admin. Code § SPS 4.09(2) and § N 7.03(1)(h), by failing to report her OWI conviction to the Board within forty-eight (48) hours of the entry of the judgment of conviction.

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)(c), and 441.07(1g)(d), and Wis. Admin. Code §§ N 7.03(1)(h), N 7.03(6)(f), and SPS 4.09(2).

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that she is fit and competent to practice as a Registered Nurse.
3. 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.
4. 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 as follows:
 - A. For a period of at least two (2) years from the date of this Order Applicant shall comply with the following requirements relating to drug and alcohol monitoring:
 - i. Within thirty (30) days of the date of this Order, Applicant shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
 - ii. At the time Applicant enrolls in the Approved Program, Applicant shall review 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:
 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 2. 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.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than thirty-six (36) times per year, (one (1) of which may be a hair test at the Board's discretion) for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
 - iii. Applicant shall abstain from all personal use of alcohol.

- iv. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
 - v. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any 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.
- B. For a period of at least two (2) years from the date of this Order Applicant shall comply with the following Alcohol and Other Drug Abuse (AODA) support group and counseling:
- i. Within thirty (30) days of the date of this Order, Applicant shall provide proof to the Department Monitor that Applicant is enrolled in and/or continuing AODA counseling with an AODA counseling provider (Treater), whose credential is in good standing, and approved by the Board. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
 - ii. Applicant shall immediately provide Treater with a copy of this Order and all other subsequent orders.
 - iii. Applicant shall provide and keep on file with 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 Division to:
 - 1. obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
 - 2. discuss the progress of Applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.
 - iv. Applicant's treatment shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once a month. Therapy may end only upon a determination by the Board or its designee after receiving a

petition for modification, including a recommendation from Treater expressly approving termination of therapy.

- v. Treater 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 Treater is unable or unwilling to serve as Treater, Applicant shall immediately seek approval of a successor Treater by the Board or its designee.
- vi. 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 mental health treatment sessions, abstinence from all substances, and drug and alcohol testing. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.
- vii. Applicant shall attend Alcoholics Anonymous meetings, Narcotics Anonymous meetings, or other Board-approved equivalent program for recovering professionals, no less than twice per week. Applicant shall provide proof of attendance on a quarterly basis to the Department Monitor.

C. For a period of at least two (2) years from the date of this Order, Applicant shall comply with the following practice limitations:

- i. Applicant shall provide Applicant's nursing employer with a copy of this Order before engaging in, or continuing to engage in, any nursing employment. Applicant shall provide the 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.
- ii. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from her supervisor at each setting in which Applicant practiced nursing in the previous quarter. 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 quarter. If a report indicates poor performance, the Board may institute additional limitations on Applicant's nursing license, in its discretion.

- iii. Applicant may work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances. If Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.
- iv. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- v. 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, including any convictions resulting from pending charges.

D. The Board may consider whether Applicant's Justice Reinvestment Initiative (JRI) participation and requirements may satisfy any of the terms of this Order.

5. 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. Any petition for modification shall be accompanied by a written recommendation from Applicant's Treater expressly supporting the specific modifications 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.

6. After two (2) consecutive years of successful compliance, including at least six hundred (600) hours of approved nursing practice each year, the Applicant may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

7. 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.

8. 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://dspsmonitoring.wi.gov>

9. 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.

10. 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.

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

WISCONSIN BOARD OF NURSING

By: Dr. Janice Edelstein, R.N., /ALC 11/30/2022
A Member of the Board Date

**STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING**

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

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STIPULATION

**COURTNEY L. LINDMAN, R.N.,
APPLICANT.**

ORDER 0008278


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

- 1. Applicant filed a renewal application for a Registered Nurse license.**
- 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 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.**

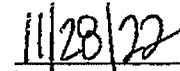
7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

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 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.



Courtney L. Lindman, R.N.,
Eau Claire, WI 54703
License no. 223934-30



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

11/30/2022

Date