

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 A REGISTERED NURSE CREDENTIAL	:	
	:	
	:	ORDER GRANTING
	:	LIMITED LICENSE
OLIVIA ZALESKI	:	ORDER 0008404
APPLICANT.	:	

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

Olivia Zaleski
Verona, WI, 53593

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. Olivia Zaleski (Applicant) filed an application (#780245) for a Wisconsin Registered Nurse license.
2. Applicant resides in Wisconsin.
3. Information received in the application process reflects that Applicant has the following violations:
 - A. On or about March 18, 2017 – Resisting/Obstructing Officer, an ordinance violation.
 - B. On or about March 18, 2017 – Carry False ID Card an ordinance violation.
 - C. On or about March 18, 2017 – Underage Drinking-Juvenile, an ordinance violation.
 - i. Applicant states when she was underage, she was out drinking with friends. After drinking too much, she got separated from her friends and was stopped by police.

- ii. The police report states Applicant was swaying while walking and inappropriately dressed for the cold weather. Out of concern, police stopped her, and asked for her ID. Applicant swore at police and spoke with slurred thick speech. Applicant paid fines.
- D. On or about January 10, 2022 – Possess Open Intoxicants in Motor Vehicle-Driver, an ordinance violation.
- E. On or about January 10, 2022 – Operating While Intoxicated (OWI) 1st, an ordinance violation.
 - i. According to the police report, on November 30, 2021, Applicant was pulled over for having a burnt-out brake light, swerving, and driving on the gravel shoulder and grass off the roadway. Police observed the odor of intoxicants coming from within the vehicle, observed Applicant’s eyes were glassy, bloodshot, and observed that Applicant’s speech was slurred, thick, deliberate, and delayed. Applicant answered ‘no’ when asked if there were open intoxicants in the vehicle; however, the officer could see an open can of an intoxicant in the cup holder between the front seats. The can was approximately three-quarters (¾) full and cold. Applicant failed the Standard Field Sobriety Test (SFST) and refused to provide a Preliminary Breath Test (PBT). Applicant paid a fine, her driver’s license was revoked for six (6) months, and Applicant was required to complete an Alcohol and Other Drug Abuse (AODA) assessment.
 - ii. Applicant stated when she was arrested for her OWI 1st, false ID, and underage drinking offenses, Applicant was scared and confused, and rather than facing the violations, Applicant ignored them. These became default judgments against Applicant. Applicant stated she “continued on as if nothing happened, continued to drink, and continued to drive after drinking.”

4. Information received in the application process reflects that Applicant has the following pending charges:

- A. On or about December 10, 2021, Applicant is alleged to have engaged in the following:
 - i. OWI 2nd, a misdemeanor charge.
 - ii. Operating with Prohibited Alcohol Concentration 2nd, a misdemeanor charge.
 - a. According to the police report, ten (10) days after Applicant’s arrest for OWI 1st, Applicant was pulled over for having an expired registration. Police observed Applicant’s speech was delayed and slurred, and Applicant had a difficult time multi-

tasking. Police observed the odor of intoxicants emanating from Applicant when she spoke. Applicant performed poorly on the SFST and her Blood Alcohol Concentration returned at .168.

- b. A letter from Applicant's AODA assessor dated June 1, 2022, states Applicant was diagnosed with Alcohol Use Disorder, Mild, and Applicant further reported mental health concerns.
- c. Applicant reported one (1) year of sobriety in 2020 but returned to regular alcohol use in 2021. Applicant now reported abstinence from alcohol since Applicant's 2nd OWI arrest in December 2021.
- d. Applicant's AODA assessment also notes diagnoses of Generalized Anxiety Disorder and Major Depressive Disorder.
- e. Applicant reported continued grief due to her father's death in 2017, a physically abusive boyfriend, and stress from nursing school greatly contributed to Applicant's substance use concerns. Applicant stated she used alcohol as an unhealthy coping mechanism for life stressors.

5. As a result of the concerns raised by Applicant's above violations and pending charges, on October 18, 2022, the Board requested Applicant undergo a comprehensive AODA assessment and an assessment of Applicant's Fitness to Practice professional nursing. Applicant's assessments noted the following:

A. Regarding Applicant's AODA diagnosis:

- i. Applicant meets DSM-IV criteria for Alcohol Use Disorder. Applicant is currently stable with no withdrawal symptoms and has maintained sobriety with outpatient counseling.
- ii. The progression of Applicant's alcohol use is related to unhealthy relationships and stress in her studies.
- iii. Applicant reports taking her sobriety seriously and recognizes her wellbeing and career are her priorities and therefore is committed to abstaining from alcohol.

B. Regarding Applicant's mental health:

- i. Applicant meets DSM-IV criteria for Generalized Anxiety, Mood Disorder – Mild Depressive Episode, Attention Deficit Disorder, and Post Traumatic Stress Disorder.

- ii. Applicant currently works with therapist Amy Holder, who she has seen since July 20, 2022. Applicant's therapist has met with Applicant six (6) times since August 2022. Applicant's therapist reports Applicant has been engaged, responsive and appears motivated to stay on the path of recovery and make healthier life choices with the support of therapy.

C. Applicant's assessments recommended Applicant do the following:

- i. Attend CODA meetings, no less than one (1) meeting per week to address Applicant's relationship issues and focus on self.
- ii. Attend a Women's therapeutic support group at Connections Counseling weekly for one (1) year minimum, for accountability and support.
- iii. Successfully complete the multiple offender program. (Eight (8) weeks from January 17, 2023, to March 7, 2023, at Truax Campus.)
- iv. Maintain complete sobriety from alcohol and other non-prescribed medication.
- v. Work with Cory Divine in conjunction with Applicant's primary therapist, Amy Holder, to provide support and accountability with regards to both Mental Health and AODA treatment.
 - a. Continue individual therapy with Amy Holder, Westside Psychotherapy.
 - b. Continue counseling with Cory Divine, LPC, CSAC.
- vi. Provide random Urine Analyses as requested by the Board and Cory Divine.

6. Professional nursing can be stressful. A Registered Nurse must be steady and calm to handle the stresses involved with the job and to handle emergencies that arise. Utilizing alcohol as an unhealthy coping mechanism and subsequently operating a motor vehicle while intoxicated reflects an impaired ability to safely or reliably perform the duties of a Registered Nurse.

7. 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. Pursuant to Wis. Stat. §§ 441.07(1g)(b), (c), and (d), and Wis. Admin. Code § N 7.03(6)(f), an RN may be denied 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.

4. Pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03(6)(g), an RN may be denied 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, including being unable to practice safely by reason of psychological or mental disorder.

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

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 three (3) 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 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 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. 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 ordering the controlled substance. Applicant shall at the time the controlled substance is ordered 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, the Board or its designee. Copies of these releases shall immediately be filed with the Department of Safety and Professional Services Monitor (Department Monitor).
- v. 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 ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. 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.
- vi. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment

and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 4.A.v.

- vii. 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.
 - viii. 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.
- B. For a period of at least three (3) years from the date of this Order, unless otherwise noted below, Applicant shall comply with the following Alcohol and Other Drug Abuse (AODA) support group and counseling:
- i. Applicant shall successfully complete the Multiple Offender program (eight (8) week program from January 17, 2023, through March 7, 2023). Within two (2) weeks of completion of the program, Applicant shall submit proof of successful completion to the Department Monitor.
 - ii. Applicant shall attend a Women's therapeutic support group at Connections Counseling or another Board approved support group weekly for a minimum of one (1) year for accountability and support.
 - iii. 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.
 - iv. Applicant shall immediately provide Treater with a copy of this Order and all other subsequent orders.
 - v. 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.
- vi. 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.
 - vii. 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.
 - viii. 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.
 - ix. 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 three (3) years from the date of this Order, Applicant shall comply with the following mental health treatment and counseling:
- i. Pursuant to Applicant's AODA and FTP assessments, Applicant shall continue to work with Cory Divine in conjunction with Applicant's primary therapist, Amy Holder, or subsequent Board Approved mental health treaters to provide support and accountability with regards to both Mental Health and AODA treatment.

1. Applicant shall continue individual therapy with Amy Holder, Westside Psychotherapy, at a frequency set by Amy Holder.
 2. Continue counseling with Cory Divine, LPC, CSAC, at a frequency set by Cory Divine.
- ii. Applicant shall attend CODA meetings at a frequency set by Amy Holder, but no less than one (1) meeting per week to address Applicant's relationship issues and focus on self.
- D. For a period of at least three (3) 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 violations or convictions resulting from pending charges in:

- a. Iowa County case 22CT7.

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 three (3) 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://dpsmonitoring.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., AAC
A Member of the Board

02/15/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR A
REGISTERED NURSE CREDENTIAL

OLIVIA ZALESKI,
APPLICANT.

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STIPULATION

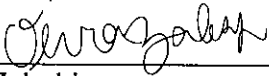
ORDER 0008404

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

1. Applicant filed an 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 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.



Olivia Zaleski
Verona, WI, 53593
Application no. 780245

2/9/2023

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

02/15/2023

Date