

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
JESSICA M. GAST, L.P.N., :
RESPONDENT. :
ORDER 0008470

Division of Legal Services and Compliance Case No. 22 NUR 638

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

Jessica M. Gast, L.P.N.
Green Bay, WI 54303

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 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. Respondent Jessica M. Gast, L.P.N., a.k.a. Jessica M. Hazen, (Year of Birth 1986) is licensed in the state of Wisconsin as a licensed practical nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 320892-31, first issued on July 11, 2016 and current through April 30, 2023.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Green Bay, Wisconsin 54303.

¹ Respondent's license is currently suspended for violating a prior Board Order. See paragraphs 2-4 below.

Prior Discipline

2. On October 19, 2019, the Board issued Final Decision and Order No. 0006521 granting Respondent a limited license and ordering direct supervision, quarterly reports, and a fitness for practice evaluation after she reported the following May 1, 2018 criminal convictions on her license renewal application. The cases involved interactions between Respondent, her husband, a minor child, and another family member:

- a. Brown County Circuit Court Case No. 2017CF000932: Disorderly Conduct with a domestic abuse modifier, a misdemeanor in violation of Wis. Stat. § 947.01(1), and Knowingly Violate a Domestic Abuse Order – Temporary Restraining Order, a misdemeanor in violation of Wis. Stat. § 813.12(8)(a).
- b. Brown County Circuit Court Case No. 2017CF001600: Bail Jumping, a misdemeanor in violation of Wis. Stat. § 946.49(1)(a).

Respondent also pleaded guilty or no contest to one count of Substantial Battery-Intend Bodily Harm, a felony in violation of Wis. Stat. § 940.19(2), in Brown County Circuit Court Case No. 2017CF000932. Respondent entered into a Deferred Prosecution Agreement (DPA). On September 4, 2020, Respondent fulfilled the conditions of the DPA and the Substantial Battery-Intend Bodily Harm charge was dismissed.

3. On May 14, 2022, the Board reviewed and accepted Respondent's fitness for practice report and ordered that Respondent continue psychotherapy pursuant to the recommendations of the evaluator.

4. On September 20, 2022, the Board suspended Respondent's license after she failed to provide quarterly reports from her psychotherapy provider.

Current Case

5. On July 2, 2022, Respondent emailed the Department's Monitoring Unit to report another criminal conviction. On April 12, 2022, Respondent pleaded no contest and was convicted of False Imprisonment, a felony violation of Wis. Stat. § 940.30, in Waushara County Circuit Court Case No. 2021CF000167 (Waushara Case). Respondent's report of this conviction to the Board was untimely.

6. According to the criminal complaint in the Waushara Case, Respondent entered a stranger's home claiming a civil war was going on, that people were chasing her, and asking if they were "with Jesus." Respondent refused to leave and grabbed a female, held her in a bear hug, and took her to the ground.

7. On November 15, 2022, Respondent was subsequently convicted of additional criminal violations in the following cases in Brown County:

- a. Brown County Circuit Court Case No. 2021CM000902 (Brown Case 1): Disorderly Conduct, a misdemeanor in violation of Wis. Stat. § 947.01(1).

- b. Brown County Circuit Court Case No. 2021CF001375 (Brown Case 2): Battery or Threat to Judge, Prosecutor, or Law Enforcement Officer, a felony in violation of Wis. Stat. § 940.203(2); Resisting or Obstructing an Officer, a misdemeanor in violation of Wis. Stat. § 946.41(1); and Bail Jumping, a felony in violation of Wis. Stat. § 946.49(1)(b).

8. According to the criminal complaint in Brown Case 1, Respondent broke into her estranged husband's home.

9. According to the criminal complaint in Brown Case 2, Respondent was climbing from one balcony to another at her apartment building claiming she was a gymnast. Police officers found marijuana in her apartment. During the arrest, Respondent used vulgar language, called police officers "pigs," and yelled at passersby. Respondent also threatened to have a friend shoot one of the officers or hire someone to "put a bullet through his head."

10. Respondent maintains she has subsequently been diagnosed with bipolar disorder and is seeking treatment.

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. Stat. § 441.07 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 violated Wis. Admin. Code § N 7.03(1)(h) by failing to notify the Board of a felony or misdemeanor in writing within 48 hours after entry of the judgment of conviction, including the date, place, and nature of the conviction or finding.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(2) by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing. A certified copy of a judgment of conviction is prima facie evidence of a violation.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(g) by being unable to practice safely by reason of psychological impairment or mental disorder.

5. 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 Compact pursuant to Wis. Stat. § 441.51(3)(g). The effective date of the Compact is July 20, 2017.

6. Having been convicted of a felony offense is a disqualifying event pursuant to Wis. Stat. § 441.51(3)(c)7.

7. By the conduct described in the Findings of Fact, Respondent is ineligible to retain or renew a Wisconsin multistate license to practice nursing, pursuant to Wis. Stat. §§ 441.51(3)(c)7. and 441.51(3)(g).

8. As a result of the above violations, 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. The VOLUNTARY SURRENDER by Respondent of her license to practice as a licensed practical nurse in the state of Wisconsin (license no. 320892-31), as well as her right to renew such license, is accepted.

3. Respondent shall not petition the Board for reinstatement of her license for at least three (3) years from the date of this Order. If the Respondent petitions for reinstatement after three years, whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

4. In the event Respondent petitions the Board for reinstatement of her license to practice as a licensed practical nurse in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$705.00, before any petition or application for a credential will be considered by the applicable board or Department.

5. 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>.

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

WISCONSIN BOARD OF NURSING

By: Robert W. Warner
A Member of the Board

4.13.23
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JESSICA M. GAST, L.P.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008470

Division of Legal Services and Compliance Case No. 22 NUR 638

Respondent Jessica M. Gast, L.P.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

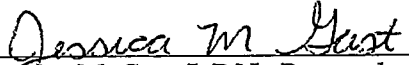
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.



Jessica M. Gast, L.P.N., Respondent
Green Bay, WI 54303
License No. 320892-31

3-19-2023
Date



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

3/28/2023
Date