

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

LINDA C. BARNES, R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008543**

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Division of Legal Services and Compliance Case No. 22 NUR 394

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

Linda C. Barnes, R.N.  
Wisconsin Rapids, WI 54494

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. Linda C. Barnes, R.N. (Respondent), (Year of Birth 1955) is licensed in the state of Wisconsin as a registered nurse, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 113625-30, first issued on September 24, 1993, and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wisconsin Rapids, Wisconsin 54494.

2. On July 12, 2008, the State of Florida Board of Nursing (Florida Board) issued a Final Order that accepted Respondent's voluntary relinquishment of her Florida nursing license. Respondent had been under investigation for allegations of diverting narcotics from a Pyxis machine and testing positive for opiates. Florida's investigation found that:

- a. On nine (9) occasions between October 8 and October 22, 2007, Respondent removed a dose of hydromorphone 2mg injectable from the Pyxis machine when there was no corresponding physician order in the patient's chart.
- b. On October 4, 2007, Respondent removed two doses of hydromorphone 2mg injectable from the Pyxis machine, but only one dose was documented as being administered to the patient.
- c. On October 5, 2007, Respondent removed two doses of hydromorphone 2mg injectable from the Pyxis machine for the same patient - one at 19:16 and one at 20:16, for a total of 4 mgs. However, only 1 mg was ordered, 1 mg was documented as being administered to the patient, and there was no documentation regarding the other 3 mgs.
- d. On October 12, 2007, Respondent removed two doses of hydromorphone 2mg injectable from the Pyxis machine for the same patient - one at 13:05 and one at 14:36. Only the 14:36 dose was documented as being administered to the patient.
- e. On October 13, 2007, Respondent removed three doses of hydromorphone 2mg injectable from the Pyxis machine for the same patient - one at 12:38, one at 13:48, and one at 14:27. The 12:38 removal of hydromorphone 2mg was pursuant to a physician order for 0.5 mg of hydromorphone, 0.5mg of hydromorphone was documented as being administered to the patient, but no waste of the remaining 1.5mg of hydromorphone was documented. The prescribing physician cancelled the 13:48 order for hydromorphone 2mg, but there was no documentation of the 13:48 dose of hydromorphone 2mg being wasted or returned to the Pyxis machine. The prescribing physician cancelled the 14:27 order for hydromorphone 1mg at 14:36. However, 1mg of hydromorphone and 5mg of diazepam were documented as being administered to the patient, but no waste of the remaining 1 mg of hydromorphone was documented.
- f. On October 18, 2007, Respondent removed one dose of hydromorphone 1mg injectable from the Pyxis machine when there was no corresponding physician order in the patient's chart.
- g. On October 18, 2007, Respondent removed hydromorphone 2mg injectable from the Pyxis machine, but only 1mg of hydromorphone was documented as being administered to the patient, and no waste of the remaining 1 mg of hydromorphone was documented.
- h. On October 23, 2007, Respondent underwent urine drug screening and tested positive for hydromorphone.

3. Respondent voluntarily relinquished her Florida nursing license while under investigation for the above allegations.

4. On May 26, 2022, the Department received a "NURSYS Speed Memo" from the National Council of State Boards of Nursing informing of Respondent's 2008 discipline by the Florida Board.

5. On August 19, 2022, a Department investigator emailed Respondent, at her email address of record, requesting additional information related to her 2008 Florida discipline. Respondent did not respond.

6. On September 14, 2022, a Department investigator sent a letter to Respondent at her mailing address of record via regular US Mail, requesting additional information related to her 2008 Florida discipline. Respondent did not respond.

7. On October 21, 2022, a Department investigator called Respondent at her telephone number of record. Respondent answered and confirmed that her email address of record was correct. The Department investigator then emailed and mailed a letter to Respondent at her addresses of record, requesting additional information related to her 2008 Florida discipline.

8. On November 8, 2022, Respondent replied via email and denied the allegations of drug diversion in Florida, explained that the positive drug test was due to a medication she was taking to treat a back injury. Respondent asserted that her poor charting led to her not being able to disprove the charges, that over the past 14 years she has been drug tested with negative results, and that she is currently working as a registered nurse at a hospital in Wisconsin.

9. On January 3 and 20, 2023, a Department investigator emailed Respondent at her email address of record and requested additional information from Respondent. Respondent did not respond.

10. On January 31, 2023 and February 15, 2023, a Department investigator sent letters to Respondent at her mailing address of record via regular US Mail and requested additional information from Respondent. Respondent did not respond.

11. On February 27, 2023, a Department investigator sent a letter to Respondent at her mailing address of record via Certified Mail and requested additional information from Respondent. Respondent did not respond.

12. On March 2, and 8, 2023, a Department investigator attempted to contact Respondent via telephone at her telephone number of record. Voice mail messages were left with Respondent requesting a return call. Respondent did not respond.

13. 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 had a license to practice nursing denied, revoked, suspended, limited, or otherwise disciplined in another state, within the meaning of Wis. Admin. Code § N 7.04(7).<sup>1</sup>

3. By the conduct described in the Findings of Fact, Respondent failed to perform nursing with reasonable skill and safety, within the meaning of Wis. Admin. Code § N 7.03(1)(b).<sup>2</sup>

4. By the conduct described in the Findings of Fact, Respondent dispensed a drug other than in the course of legitimate practice or as otherwise prohibited by law, within the meaning of Wis. Admin. Code § N 7.04(2).<sup>3</sup>

5. By the conduct described in the Findings of Fact, Respondent obtained, possessed, or attempted to obtain or possess a drug without lawful authority, within the meaning of Wis. Admin. Code § N 7.04(2).<sup>4</sup>

6. By the conduct described in the Findings of Fact, Respondent failed to respond, to the satisfaction of the department or credentialing board, within 30 days to a request from the department, within the meaning of Wis. Stat. § 440.20(5)(a).

7. By the conduct described in the Findings of Fact, Respondent failed to cooperate in a timely manner with the Board's investigation of a complaint filed against a license holder, within the meaning of Wis. Admin. Code § N 7.03(1)(c).

8. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d),<sup>5</sup> and Wis. Admin. Code. ch. N 7.

## ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 113625-30), and her privilege to practice pursuant to the Nurse Licensure Compact (Compact), are LIMITED as follows:

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<sup>1</sup> As in effect 2007 – 2008. The current provision is Wis. Admin. Code § N 7.03(1)(b).

<sup>2</sup> As in effect 2007 – 2008. The current provision is Wis. Admin. Code § N 7.03(6)(a).

<sup>3</sup> As in effect 2007 – 2008. The current provision is Wis. Admin. Code § N 7.03(8)(b).

<sup>4</sup> As in effect 2007 – 2008. The current provision is Wis. Admin. Code § N 7.03(8)(e).

<sup>5</sup> As in effect 2007 – 2008. The current provision is Wis. Stat. § 441.07(1g)(b) and (d).

- a. For a period of at least two (2) years from the date of this Order:
  - i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
  - ii. At the time Respondent enrolls in the Approved Program, Respondent shall review all of 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 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. Respondent shall abstain from all personal use of alcohol.
  - iv. Respondent 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. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent 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 Respondent'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 Monitor. Respondent 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.

- v. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. 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, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Respondent shall abstain from all use of over-the-counter medications, products, 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 alcohol, create false positive screening results, or otherwise interfere with Respondent's test results, treatment, or rehabilitation, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph 3(a)v. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent 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, Respondent 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.
- ix. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- x. Respondent shall provide his or her nursing employer with a copy of this Order and any subsequent order modifying this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order and any subsequent order modifying 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 and any subsequent order modifying this Order for employment current as of the date of this Order.

- xi. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that Respondent does not have access to controlled substances. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days from the date of this Order for any current employer and on a quarterly basis thereafter from each nursing employer.

4. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

5. A violation of this Order includes a positive drug or alcohol screen.

6. After the first year from the date of this Order, Respondent may petition the Board on an annual basis for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, the Respondent 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. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$907.00.

8. 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://dspsmmonitoring.wi.gov>.

9. In the event Respondent violates any term of this Order, Respondent's license (number 113625-30), or Respondent'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 Respondent 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. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By:   
A Member of the Board

5/11/2023  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LINDA C. BARNES, R.N.,  
RESPONDENT.

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STIPULATION  
**ORDER 0008543**

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Division of Legal Services and Compliance Case No. 22 NUR 394

Linda C. Barnes, 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.

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.

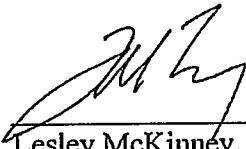
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Linda C. Barnes, R.N., Respondent  
Wisconsin Rapids, WI 54494  
License No. 113625-30

4-12-23  
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

5/1/2023  
Date