

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	:	
RENEWAL OF A REGISTERED NURSE	:	
CREDENTIAL	:	ORDER GRANTING
	:	LIMITED LICENSE FOR A
	:	WISCONSIN LICENSE
SAMANTHA R. NACK, R.N.,	:	
APPLICANT.	:	
	:	ORDER 000857⁵

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

Samantha R. Nack, R.N.
West Allis, WI, 53219

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. Samantha R. Nack (Applicant) filed an application to renew her Wisconsin Registered Nurse license (license number 259472-30).
2. On or about April 16, 2021, Applicant's Registered Nurse license was issued.
3. Applicant resides in Wisconsin.
4. Information received in the application process reflects that Applicant has the following violation and conviction record:
 - A. On or about January 8, 2014 – Operating While Intoxicated (OWI) 1st, an ordinance violation.
 - i. Applicant was out celebrating a friend's birthday and she over imbibed. She decided to move her car to a legal parking spot and was pulled over for failing to stop at a stop sign and coming dangerously close to hitting a bicyclist. Applicant failed the

Standard Field Sobriety Test (SFST) and blew a Preliminary Breath Test (PBT) of .21. Applicant's driver's license was suspended, she paid a fine, and completed an Alcohol and Other Drug (AODA) assessment. The assessment found Irresponsible Use-Borderline and required completion of outpatient treatment.

ii. In a statement to the Board dated January 13, 2021, Applicant wrote:

1. "I currently drink less than once a month and do not drink and drive."
2. "Even though [the OWI 1st] was 7 years ago, I still regret the decision to drink and drive. I think about how lucky I was to be pulled over instead of hitting someone or something. After that I was required to complete a safe driving plan as well as an alcohol assessment and counseling. There were many more negative consequences in addition to these requirements. Paying a large fine, losing my license and riding the bus to work, the loss of trust and respect from my coworkers/family members/loved ones are just some other consequences. This put me on a path to evaluate my current lifestyle and choices, the people who I was spending my time with, and who I actually wanted to be. Since then I have changed my lifestyle, do not drink and drive, focused on improving myself in order to become a person I can be proud of."

B. On or about March 2, 2022 – OWI 2nd, a misdemeanor conviction.

i. On August 14, 2021, seven (7) months after providing a statement to the Board that Applicant "does not drink and drive" and has "changed her lifestyle," Applicant was arrested for her OWI 2nd offense.

ii. In a statement to the Board dated February 2022, Applicant wrote:

1. "I made the dangerous and unnecessary decision to drink and drive. On this night I went out to a local beer garden to celebrate moving to a new apartment. Instead of getting a cab or walking home, I decided to drive. . . Since [the day of Applicant's arrest] I have remained completely sober and have thought about the future I wanted to have and the person I want to be. I've been focusing on positive personal growth. . . Even though I am still working on myself, I am still disappointed in my decision to drink and drive. Not getting my RN renewed right away is a terrible consequence. Working as an RN is so important to me and to know I jeopardized my license due to such a bad decision, I am having a hard time forgiving myself.

At this point there is nothing I can do but face the consequences of my actions, and know that I will never jeopardize my future again.”

- iii. The police report states at approximately 12:30 a.m., Applicant was pulled over for swerving. Police observed Applicant’s eyes were red and glassy, and her speech was slightly slurred. Police detected a strong odor of intoxicants emitting from Applicant and Applicant admitted consuming two (2) drinks. Applicant failed the SFST, she blew a PBT of .131, and her intoximeter resulted a BrAC of .12.
- iv. Applicant paid a fine, her driver’s license is revoked for twelve (12) months, she has an Ignition Interlock Device in her vehicle for twelve (12) months, served thirty (30) days jail, and completed an AODA assessment.

5. Applicant’s Order for Assessment and Driver Safety Plan Report found Irresponsible Use-Borderline. Applicant’s Driver Safety Plan Order required completion of two to three (2-3) months of outpatient treatment, contingent upon successful completion of the treatment program.

- A. On June 8, 2022, Applicant received a certificate of completion for Matters of the Spirit, LLC, Alcohol and Drug Treatment Program.

6. Applicant provided a current use statement dated June 28, 2022, that “[t]he night of August 13 was a night I made the terrible decision to drink and drive. Since that night I have not had a single drop of alcohol. . . [I] enjoyed a night out with friend and had five (5) beers and two (2) shots of whiskey. This amount was more than I was used to and significantly more than what I should have consumed. I am so disappointed in the bad decision to drive the one (1) mile home. It was close enough I could have walked. Cabs and shared ride services are prevalent in my area, I could have easily gotten a ride home. Since then I have not had a drop to drink. The disappointment and upset I have with myself in addition to the negative consequences. I have no desire to drink again and do not plan to drink in the future. These consequences have impacted me and my family so much and I never want to put myself in this position again.”

7. Applicant states on March 4, 2022, she attempted to report her conviction to the Department of Safety and Professional Services (Department) but was unable to do so as her work fax machine was not working. Applicant states on March 5, 2022, she got a working scanner and sent her paperwork via email.

- A. Department records show no evidence Applicant reported her OWI 2nd conviction within forty-eight (48) hours of the entry of the judgment of conviction.

8. 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 § N 7.03(6)(f) by committing acts which show Applicant to be unfit or incompetent by reason of abuse of alcohol or other drug; 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 credential 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 Applicant is fit and competent to practice as a Registered Nurse.
3. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and her privilege to practice pursuant to the Enhanced 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 requirement 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 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 he 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 3.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 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 has entered or is 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.

4. 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.

5. 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.

6. 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.

7. 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>

8. 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.

9. 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.

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

WISCONSIN BOARD OF NURSING

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

06/01/2023

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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

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STIPULATION

SAMANTHA R. NACK, R.N.,
APPLICANT.

ORDER 0008575

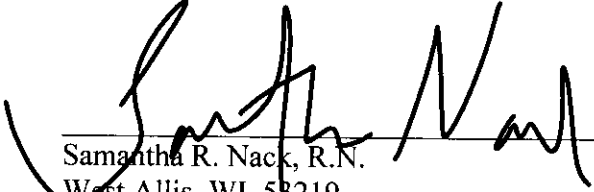
It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

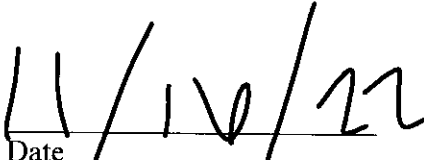
1. Applicant filed an application to renew a Registered Nurse license.
2. Information received by the Board reflects a basis for denial of the renewal application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a renewal of the Registered 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.


Samantha R. Nack, R.N.
West Allis, WI, 53219
License no. 259472-30


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

06/01/2023

Date