

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
RENEWAL APPLICATION FOR A
REGISTERED NURSE CREDENTIAL

:
:
:
:
:
:

ORDER GRANTING
LIMITED LICENSE

LISA M. MILLER, R.N.
APPLICANT.

ORDER 000857.8

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

Lisa M. Miller, R.N.,
Wheeler WI 54772

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. Lisa M. Miller, R.N., (Applicant) filed an application to renew her Wisconsin Registered Nurse license (license no. 220107-30).
2. Applicant resides in Wisconsin.
3. Information received in the application process reflects that Applicant has the following violation and convictions:
 - A. On or about September 1, 2020 – Operating While Intoxicated (OWI) 1st, an ordinance violation.
 - i. Applicant states in 2019, she learned her husband of sixteen (16) years was having an affair. In May 2020, their divorce was finalized. Applicant states she became very stressed and depressed and drank to forget and numb the pain. Applicant states she began to drive after drinking.

- ii. The criminal complaint states police were dispatched to a complaint of a vehicle all over the road. Upon contacting Applicant, police observed the odor of intoxicants emitting from Applicant's vehicle. Police observed Applicant seemed confused and acted slow. Applicant admitted drinking three (3) beers, Applicant's performance on the Standard Field Sobriety Tests (SFST) indicated impairment, and Applicant blew a Preliminary Breath Test (PBT) of .213. Applicant paid a fine, her driver's license was revoked for eight (8) months, Applicant had an Ignition Interlock Device (IID) for twelve (12) months, and completed an Alcohol and Other Drug Abuse (AODA) assessment.
- iii. This was Applicant's third lifetime OWI, however, due to the length of time between her first two (2) OWI offenses, Applicant's September 1, 2020, OWI was amended to an OWI 1st ordinance violation.
 - a. Applicant's prior OWI convictions occurred on:
 - 1) August 18, 1994 – OWI 1st
 - 2) October 8, 1997 – OWI 2nd

B. On or about July 25, 2022 – OWI 4th, a felony conviction.

- i. At the time of Applicant's arrest, she had been released on bond, which included a prohibition against consuming alcohol. Despite the order, Applicant states she continued to drink. Applicant states that she drank at home and decided to drive to purchase cigarettes. A neighbor saw Applicant stumbling outside and called the police.
- ii. The complaint states police observed the odor of intoxicants coming from Applicant and Applicant spoke with slow slurred speech. Applicant admitted drinking and driving to obtain cigarettes. Applicant's SFST results indicated impairment, Applicant blew a PBT of .215, and her BAC resulted at .214. Applicant was placed on probation for two (2) years, her driver's license was revoked for three (3) years, she paid a fine, was sentenced to one hundred fifty (150) days jail, ordered to have an IID, ordered to maintain complete sobriety, no entry into places that sell alcohol, and attend a victim impact panel.
- iii. This was counted as Applicant's fourth OWI conviction based on Applicant's prior OWI offenses:
 - a. August 18, 1994 – OWI 1st
 - b. October 8, 1997 – OWI 2nd
 - c. September 1, 2020 – OWI 1st

- C. On or about August 15, 2022 – OWI 4th, a felony conviction.
- i. Applicant states she continued to drink and drive. Applicant states she had been drinking at a bar and offered to drive a man she met at the bar home. Applicant states due to her intoxication, she forgot to drive him home and headed to her residence. He asked her to stop but she continued driving. Eventually he exited her car while she was driving.
 - ii. The complaint states Applicant was observed weaving while driving. Upon making contact, police observed a moderate odor of intoxicants emanating from Applicant, and that Applicant spoke with slurred speech. Applicant performed poorly on the SFST, blew a PBT of .130, and her BAC resulted at .140. Applicant owes a fine, was placed on probation for three (3) years, Applicant was sentenced to one (1) year of jail, consecutive to her above jail time, her driver's license has been revoked for life, she has a twelve (12) month IID (if her license is ever reinstated), and she completed an AODA assessment.
 - iii. Although this is her 5th lifetime OWI, Applicant's attorney negotiated a plea to a second OWI 4th conviction.
 - iv. Applicant states after this arrest, she realized she needed to stop drinking and deal with her personal issues.

4. Applicant admits using alcohol as an unhealthy coping mechanism. Applicant demonstrated a complete disregard for her own safety and well as the safety of others by continuing to drink and choosing to drive after drinking.

5. Applicant provided an AODA assessment with a counselor signature date of December 1, 2021. The assessment:

- A. Diagnosed Applicant with alcohol use disorder, moderate.
- B. Notes Applicant's last reported drink was "a couple weeks ago."
- C. Notes Applicant has some vulnerability for further substance use or mental health problems.
- D. Notes Applicant has struggled with maintaining sobriety, despite negative consequences.

6. Applicant states her date of last alcohol consumption is August 6, 2021, and she states she has been attending AA.

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. 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. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 440.08(4), 441.07(1g)(b), 441.07(1g)(c), and 441.07(1g)(d), and Wis. Admin. Code § N 7.03(6)(f).

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.¹

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:

¹ A felony conviction is a disqualifying event pursuant to NLC § 100(6). A felony conviction fails to satisfy the multistate licensure requirements under Wis. Stat. § 441.51(3)(c)7. Pursuant to Wis. Stat. § 441.51(3)(g)2., a nurse who fails to satisfy the multistate licensure requirements under Wis. Stat. § 441.51(3)(c) due to a disqualifying event shall be ineligible to obtain or retain a multistate license.

- 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:
 - a. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - b. 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.
 - c. 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.
- i. Applicant shall abstain from all personal use of alcohol.
- ii. 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).
- iii. 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.

- iv. 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.
- v. 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.
- vi. 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 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:
 - a. obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and

- b. 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 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 convictions resulting from pending charges.

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 DSPTS 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. /ALC
A Member of the Board

06/14/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
RENEWAL APPLICATION FOR A
REGISTERED NURSE CREDENTIAL

LISA M. MILLER, R.N.,
APPLICANT.

:
:
:
:
:
:
:

STIPULATION

ORDER 00008570

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 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.

Lisa Miller
Lisa M. Miller, R.N.,
Menomonie WI 54751 Wheeler WI, 54772
License no. 220107-30

6/14/2023
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

06/14/2023
Date