

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
TABITHA D. MAJORS, R.N., :
RESPONDENT. : **ORDER 0008753**

Division of Legal Services and Compliance Case Nos. 22 NUR 317 and 22 NUR 574

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

Tabitha D. Majors, R.N.
Janesville, WI 53545

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 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. Tabitha D. Majors, R.N. (Respondent), (Year of Birth 1972) is licensed in the state of Wisconsin as a registered nurse with multi-state practice privileges pursuant to the Nurse Licensure Compact (Compact), having license number 224031-30, first issued on July 2, 2015, and current through February 29, 2024.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Janesville, Wisconsin 53545.

Prior Board Action

3. On September 9, 2021, the Board issued Final Decision and Order (Order 0007584) in cases 19 NUR 142, 20 NUR 393, and 21 NUR 123 for violations of Wis. Admin. Code § N 7.03(6)(c), failing to conform to the minimal standard of acceptable nursing practice, and Wis. Admin. Code § N 7.03(8)(d), errors in medication prescribing, dispensing, or administration. Each of these cases originally alleged narcotic diversion.

4. Respondent was reprimanded and required to complete four (4) hours of education on the topic of proper medication administration and undergo an AODA assessment.

5. On May 23, 2022, the Board reinstated Respondent's license to full, unrestricted status.

Current Cases

22 NUR 317

6. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a rehabilitation center in Oregon, Wisconsin (Center).

7. Respondent was verbally warned for a medication error related to scheduled narcotics on April 26, 2022.

8. The Center performed an audit of resident records between May 14 and 16, 2022 and discovered two additional medication errors made by Respondent. An incorrect dose had been administered to one resident and another resident received doses of medication too closely together.

9. On May 17, 2022, Respondent was placed on an unpaid, 3-day suspension. Her employment at the Center was terminated on May 18, 2022.

10. On July 5, 2022, Respondent provided a response to the Department admitting to administering 10mg of oxycodone to a resident rather than the proper dose of 5mg.

22 NUR 574

11. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a nursing home located in Janesville, Wisconsin (Facility).

12. Nurse A informed the Facility's Administrator and Director of Nursing that her name had been forged in the controlled substances log as having dispensed controlled substances for Resident A on July 28, 30, and 31, 2022, and again on August 1, 2022. She also reported that her name had been forged in Resident B's log on July 31, 2022.

13. Nurse A denied dispensing these controlled substances. Facility records show that Nurse A did not work on August 1, 2022.

14. A comparison of the suspected signatures to Nurse A's known signature shows significant differences.

15. The Facility investigated. Security camera footage showed Respondent accessed the unit's medication cart and narcotics lock box. Respondent then wrote slowly in the controlled substance log while she repeatedly paged between the page she was writing on and a previous page. This continued for approximately five minutes. Per the Facility, completing the information required in the controlled substances log when dispensing a medication consists of writing the date and time, signing, and indicating how many pills were removed from the inventory.

16. The footage also showed Respondent accessing the narcotics lock box, removing medication, cupping the medication in her left hand, then placing the medication into the pocket of her scrub top.

17. On August 8, 2022, the Facility notified the Janesville Police Department and an officer interviewed Respondent. Respondent admitted to taking the medication and forging Nurse A's signature. Respondent was arrested at that time.

18. Respondent's employment at the Facility was terminated on August 9, 2022.

19. On August 26, 2022, Respondent was charged in Rock County Circuit Court case number 22CF1016 with two counts of Theft of Movable Property with Special Facts and two counts of Obtaining Controlled Substances by Fraud.

20. On January 6, 2023, pursuant to a plea agreement and an Amended Information, Respondent pled guilty to:

- a. One count of Theft of Movable Property with Special Facts, a felony, in violation of Wis. Stat. § 943.20(1)(a).
- b. One count of Obtaining Controlled Substances by Fraud, a felony, in violation of Wis. Stat. § 961.43(1)(a).

21. Additionally, Respondent pled "no contest" to:

- a. Two counts of Possession of an Illegally Obtained Prescription, a misdemeanor, in violation of Wis. Stat. § 450.11(7)(h).
- b. One count of Theft of Movable Property, less than or equal to \$2500, a misdemeanor, in violation of Wis. Stat. § 943.20(1)(a).

22. The Court withheld a finding of guilt and deferred prosecution on the felony counts and found Respondent guilty on the misdemeanor counts. Respondent's sentence includes two years of probation, no possession of any controlled substances without a valid prescription, no working in a facility or home with access to prescription medication, and an AODA evaluation. Upon successful completion of all conditions, Respondent may petition to have the felony counts dismissed.

23. On February 7, 2023, the Department requested a response from Respondent. To date, Respondent has neither responded to the Department's request nor reported her convictions to the Board.

24. 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 failed to report a felony or misdemeanor conviction within 48 hours after the entry of the judgment of conviction, within the meaning of Wis. Stat. § 440.03(13)(am).

3. 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).

4. By the conduct described in the Findings of Fact, Respondent failed to notify the board of a felony or misdemeanor conviction within 48 hours after the entry of the judgment of conviction, within the meaning of Wis. Admin. Code § N 7.03(1)(h).

5. By the conduct described in the Findings of Fact, Respondent was convicted of a crime substantially related to the practice of nursing, within the meaning of Wis. Admin. Code § N 7.03(2).

6. By the conduct described in the Findings of Fact, Respondent falsified reports, patient documentation, agency records, or other health documents, within the meaning of Wis. Admin. Code § N 7.03(5)(a).

7. By the conduct described in the Findings of Fact, Respondent impersonated another licensee, within meaning of Wis. Admin. Code § N 7.03(5)(f).

8. By the conduct described in the Findings of Fact, Respondent departed from the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety, within the meaning of Wis. Admin. Code § N 7.03(6)(c).

9. By the conduct described in the Findings of Fact, Respondent committed errors in prescribing, dispensing, or administering medication, within the meaning of Wis. Admin. Code § N 7.03(8)(d).

10. By the conduct described in the Findings of Fact, Respondent obtained, possessed, or attempted to obtain or possess a drug without lawful authority, within meaning of Wis. Admin. Code § 7.03(8)(e).

11. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.
2. Respondent's license (license no. 224031-30) to practice as a registered nurse in the state of Wisconsin, any appurtenant right to renew said license, and the right to practice in Wisconsin under another state's license pursuant to the Nurse Licensure Compact are REVOKED.
3. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse in the state of Wisconsin, the Board may enter an order denying such petition without further notice or hearing. 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 Department for reinstatement of her license to practice as a registered 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 \$1,438.00 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:

A Member of the Board of Nursing

9/14/2023

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TABITHA D. MAJORS, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008753

Division of Legal Services and Compliance Case Nos. 22 NUR 317 and 22 NUR 574

Tabitha D. Majors, 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

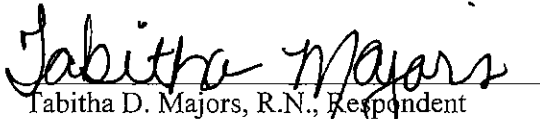
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.


Tabitha D. Majors, R.N., Respondent
Janesville, WI 53545
License No. 245506-30

9-1-2023
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

9/7/2023
Date