

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR	:	
RENEWAL OF	:	
COSMETOLOGIST CREDENTIAL	:	ORDER GRANTING
	:	LIMITED LICENSE
STEPHANIE MADDEN,	:	
APPLICANT.	:	ORDER 00088 17

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

Stephanie Madden
Gladstone, MI 49837

Cosmetology Examining Board
Department of Safety and Professional Services
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 Cosmetology Examining Board (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about April 20, 2023, Stephanie Madden (DOB 02-10-1988) (Applicant) filed an application to renew her Cosmetologist credential (#95842-82).
2. Information on file establishes that Applicant committed the following ordinance violations:
 - A. On or about September 14, 2023 – Disorderly Conduct.
 - i. According to police reports, on November 30, 2022, at approximately 5:21 PM, police were dispatched to a hotel for a disturbance. It was reported that two people were throwing things around in room 121. Upon arrival, officers had contact with a male. The male told officers that he met Applicant at rehab a few years prior, that they were both alcoholics, and they had been doing a lot of drinking. The male further advised that Applicant had hit him. Applicant was intoxicated during her contact with police, just staring forward when questions were asked of her. Applicant refused a preliminary breath test (PBT). Police advised Applicant and the male to separate for the night and sober up.

- ii. At approximately 7:20 PM, officers were again directed back to the hotel for a continuing disturbance between Applicant and the male. It was reported that Applicant punched a wall, bloodied her knuckles, and smeared blood on the male and the room. Applicant told police she punched a wall and said she should smash the male's phone. Applicant submitted to a PBT at this time and registered a .397 g/ml Blood Alcohol Content. Applicant asked what a .397 PBT meant and was told it was very high and almost five times the legal limit for driving. Applicant told police she does get more intoxicated than this but needs to be at or around this level to function. Police noted that Applicant could walk and talk just fine at this time. The male told police that Applicant was hitting him again after police left the first time. Applicant was arrested for disorderly conduct.

B. On or about February 1, 2023 – Possession of THC.

- i. According to police reports, on November 30, 2022, Applicant was found in possession of marijuana after her arrest for the disorderly conduct described above.

3. Further information on file establishes the following:

A. At the Board's request, Applicant completed an AODA assessment on September 1, 2023. The AODA assessment documented the following:

- i. Applicant reported that her drinking got the worst it ever was when the COVID-19 pandemic hit in 2020. Applicant was drinking 1.75 mL of vodka per day and experienced regular blackouts. Applicant reported that her alcohol use negatively impacted her employment throughout much of her life.
- ii. Applicant reported using cannabis twice per month since May of 2023.
- iii. Applicant reported being in detox as recently as June of 2023.
- iv. Applicant is currently prescribed naltrexone and Campral as anti-craving medications.
- v. Applicant is currently involved in individual therapy.
- vi. Applicant was diagnosed with alcohol use disorder, severe and cannabis use disorder, mild.

4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 454.15(2) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 454.15(2)(h), the Board may limit the license of any licensee if it finds that the licensee has been addicted to alcohol or other drugs to an extent related to the individual's ability to adequately undertake the job-related responsibilities of that individual's licensure.

3. Pursuant to Wis. Stat. § 440.08(4), the Board may deny an application for renewal if it is necessary to protect the public health, safety or welfare.

4. At this time, due to Applicant's diagnosis of alcohol use disorder, severe, limitations on Applicant's Cosmetologist credential are necessary to protect the public health, safety and welfare.

5. Applicant, by her conduct, is subject to limitations against her credential, pursuant to Wis. Stat. §§ 454.15(2) and 440.08(4).

ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's Cosmetologist credential are necessary to ensure public health, safety and welfare.

3. Applicant's ability to practice as a Cosmetologist is granted subject to the following LIMITATIONS:

A. For a period of at least two (2) years from the date of this Order:

- i. Applicant shall enroll and participate in a drug and alcohol monitoring program which is approved by the Board (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
- 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 twenty-eight (28) 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 maintain absolute sobriety from alcohol and 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).
 - iv. 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 email and mail copies of all prescriptions to the Department Monitor.
 - v. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that Applicant 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)iv.
 - vi. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. A positive test is a violation of this order.
 - vii. 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.

- viii. Applicant shall continue with individual therapy and comply with all recommendations, until discharged. Upon discharge, Applicant shall provide proof to the Department Monitor.
- ix. Applicant shall regularly attend AA meetings at a frequency of at least five times per week.
- x. Applicant shall provide a copy of this Order to her AA meeting facilitators. Applicant shall arrange for written reports from her AA meeting facilitators to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall provide proof of participation in AA meetings.
- xi. Applicant shall, at all times, practice as a Cosmetologist under the supervision of a Wisconsin licensed Cosmetologist pre-approved by the Board. Pre-approval of any future cosmetologist-supervisor shall be obtained through correspondence with the Department Monitor.
- xii. Applicant shall provide a copy of this Order to her current and any future employer. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring 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.
- xiii. Applicant shall arrange for written reports from her cosmetologist-supervisor(s)/employer(s) to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of her employment, including the nature and extent of the Applicant's cosmetology activities and whether she has practiced in compliance with all laws governing the practice of cosmetology.
- xiv. 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.
- xv. 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) years of successful compliance with this Order, Applicant may petition the Board for full, unrestricted license. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. 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. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, 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)-266-2122;
DSPSMonitoring@wisconsin.gov

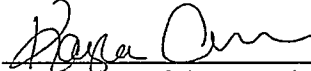
This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov>

7. 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.

8. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, 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.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

By:  / TLT
A Member of the Board

10/13/2023

Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
RENEWAL OF
COSMETOLOGIST CREDENTIAL

STEPHANIE MADDEN,
APPLICANT.

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:
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:
:
:

STIPULATION
ORDER 0008817

It is stipulated between Applicant and the Cosmetology Examining Board (Board) as follows:

1. Applicant filed an application to renew a Cosmetologist credential #95842-82.
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 renewal of a limited Cosmetologist credential, 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.

Stephanie Madden

Stephanie Madden
Gladstone, MI 49837
Credential No. 95842-82

10.13.23
Date

Renee Orr / TLT

A Member of the Wisconsin Cosmetology
Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

10/13/2023
Date