

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

STEVEN C. MOYLE,
APPLICANT.

ORDER 0008830

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

Steven C. Moyle
Brookfield, WI 53045

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 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. Steven C. Moyle (Applicant) resides in Wisconsin.
2. On or about June 16, 2000, Applicant was issued Wisconsin Registered Nurse credential #135149-30.
3. On or about January 6, 2022, Applicant applied to renew Wisconsin Registered Nurse credential #135149-30.
4. Information obtained during the renewal application process reflects that Applicant has the following:
 - A. On or about October 2, 2019 – Operating While Intoxicated (1st), an ordinance violation in New Berlin, Wisconsin.

- i. Limited information is available, but the violation is based on an incident which occurred on June 11, 2019, and was reviewed at time of renewal in 2020.
- B. On or about June 7, 2021 – Driving Under the Influence, a misdemeanor conviction in McHenry County, Illinois.
 - i. Limited information is available, but the conviction is based on an incident which occurred on September 12, 2020, and the terms of sentencing included AODA evaluation and treatment for “high risk” level.
- C. On or about June 15, 2022 – Operating While Intoxicated (3rd), a misdemeanor conviction in Waukesha County, Wisconsin.
 - i. On December 12, 2021, Applicant was pulled over for brake-checking another driver. Applicant failed field tests and a preliminary breath test showed a blood alcohol content of .17, more than twice the legal limit. Applicant was in violation of the absolute sobriety and limited driving hours conditions of probation from his prior conviction.
 - ii. The terms of sentencing included absolute sobriety, an Alcohol and Other Drug (AODA) assessment and treatment, and successful completion of OWI Treatment Court, which is also referred to as Alcohol Treatment Court (ATC) and involves mandatory treatment and testing.
 - iii. Applicant successfully completed ATC as of June 22, 2023, having participated in the program for 62 weeks.
- D. Applicant failed to report the convictions described in B. and C. within 48 hours of the conviction, as required by Wis. Admin. Code § N 7.03(1)(h).
- E. Applicant failed to report the conviction described in C. above, which was a pending charge at the time he submitted his renewal application, and then failed to update his renewal application to disclose the conviction when it was finalized on or about June 15, 2022.
- F. At the Board’s request, Applicant submitted a statement dated June 9, 2022, which still failed to disclose the arrest, charge, and impending conviction for OWI (3rd).
- G. Applicant submitted a signed “Convictions and Pending Charges Form (#2254)” dated February 23, 2022 (hereinafter Form 2254). Applicant’s signature on Form 2254 is an “Affidavit of Applicant” which swears to the accuracy and completeness of the form and that Applicant understands:

. . . false or forged statements made in this document or in connection with an application for a credential, or failing to provide relevant information, may be grounds for denial of an application, revocation of a credential granted to me, or criminal prosecution.

- H. Form 2254 also contains the following language regarding Applicant's continuing duty of disclosure and is found directly above Applicant's signed affidavit:

I understand that I have a continuing duty of disclosure during the application process. If information I have provided in this application becomes invalid, incorrect, or outdated, I understand that I am obliged to provide any necessary information to ensure the information on my application remains current, valid, and truthful. I understand that credentialing authorities may view acts of omission as dishonesty and that my duty of disclosure during the application process exists until licensure is granted. or denied.

5. Applicant claims sobriety since December 2021 and provides summaries from multiple AODA treatment providers who have treated Applicant since 2020.

6. On May 11, 2023, the Board issued Applicant an Administrative Warning in Division of Legal Services and Compliance Case No. 23 NUR 240, for his failure to report the convictions as described in para. D. above.

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. By the conduct described in the Finding of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(a)–(d) and Wis. Admin. Code §§ 7.03(5)(e) and (6)(f), by committing fraud, deceit, or material omission in the renewal of a license and being unable to practice safely by reason of alcohol or other substance abuse.

3. As a result of the above conduct, Applicant is subject to limitations on his license pursuant to Wis. Stat. §§ 441.07(1g)(a) - (d) and Wis. Admin. Code §§ 7.03(5)(e) and (6)(f).

ORDER

1. The attached Stipulation is accepted.

2. Applicant's Registered Nurse license #135149-30 is a Wisconsin single-state license and his practice is limited to Wisconsin during the pendency of this Order. If Applicant wants to obtain a multistate privilege in the future, he may apply for it after demonstrating complete successful compliance with the terms of this Order and his license has been changed to full, unencumbered status.

3. Limitations are necessary to ensure that Applicant is fit and competent to practice as a Registered Nurse under license #135149-30.

4. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and his 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 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 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 4.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 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 two (2) consecutive years of successful compliance, including at least six hundred (600) hours of approved nursing practice each year, 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 his 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, 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
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS 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 his 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./JK
A Member of the Board

10/26/2023

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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

STIPULATION

STEVEN C. MOYLE,
APPLICANT.

ORDER 0008830

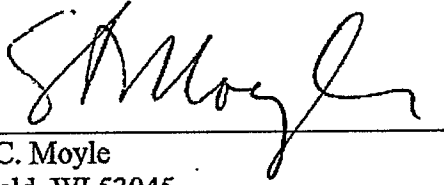
It is stipulated between Steven C. Moyle (Applicant) and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application to renew Registered Nurse license #135149-30.
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 renewing Registered Nurse license #135149-30, 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.



Steven C. Moyle
Brookfield, WI 53045
License #135149-30

10/26/2023

Date

Dr. Janice Edelstein, R.N./JK

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

10/26/2023

Date