

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

CYNTHIA ANN SCHELLER, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER
LS0007074NUR

99 NUR 277

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

*Cynthia Ann Scheller
193 Taylor Street
Little Chute, WI 54140*

*Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
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 final decision of this matter, subject to the approval of the 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

1. Cynthia Ann Scheller (D.O.B. 12/13/51) is duly licensed in the state of Wisconsin as a licensed practical nurse (license # 11871). This license was first granted on December 13, 1971.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 193 Taylor Street, Little Chute, WI 54140.
3. Diethylpropion hydrochloride is an amphetamine cogener which is used as an anorexigenic agent. The effect of the drug as a weight loss medication is temporary, seldom lasting more than a few weeks and prolonged use is not indicated. When marketed as Tenuate, the drug is a Schedule IV controlled substance.
4. During a period extending at least from 6/12/88 to 8/18/99, and while employed as a licensed practical nurse at LaSalle Clinic, Menasha, Wisconsin, Respondent telephoned in prescription orders for herself as patient for Tenuate 75 mg, 30 tablets, on approximately a monthly basis to a Shopko pharmacy in Appleton, using the name of Dr. Thomas Leonard as the prescriber. Dr. Leonard states that on one occasion on a date not remembered by him, he did authorize Respondent to telephone a single prescription order for one month's supply of Tenuate. Dr. Leonard did not keep any patient record for Respondent because he considered the prescription a one-time request.

5. The Respondent has tendered the voluntary surrender of her license to practice as a nurse in the state of Wisconsin.

CONCLUSIONS OF LAW

By the conduct described above, Cynthia Ann Scheller is subject to disciplinary action against her license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b) and (d), and Wis. Adm. Code sec. N 7.04(1), (2), (5) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Cynthia Ann Scheller is REPRIMANDED.
2. The VOLUNTARY SURRENDER by Cynthia Ann Scheller of her license to practice as a licensed practical nurse in the state of Wisconsin is hereby accepted.
3. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".
 1. This Order shall become effective upon the date of its signing.

WISCONSIN BOARD OF NURSING

By:

Anne Brewer
Board Chair

7-7-00
Date