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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0403046NUR
TINA P. PUTCHEL, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

Tina P. Putchel, R.N.
6927 W. Bennett
Milwaukee, WI 53219

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 of Nursing. 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. Tina P. Putchel, R.N., Respondent, date of birth November 3, 1972, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 127034, which was first granted July 28, 1997.
2. Respondent's last address reported to the Department of Regulation and Licensing is 6927 W. Bennett, Milwaukee, WI 53219.

COUNT I – 01 NUR 280

3. In June 2001, Respondent was employed as a registered nurse by ANS Home Health Systems, Inc., and provided home health care to patients in Milwaukee, Wisconsin.
4. Mr. A, a quadriplegic with a percutaneous intravenous catheter (PIC line), was one of the patients to whom Respondent provided nursing services. During a visit to Mr. A's home, Respondent stole half the contents of a bottle of Vicodin, a brand of hydrocodone and Schedule III controlled substances, which had been prescribed to Mr. A.
5. Taking Mr. A's Vicodin without his consent was theft and a violation of § 943.20(1), Stats., which is a law substantially related to practice under Respondent's license.
6. Respondent's possession of Mr. A's Schedule III controlled substance was without the order of a practitioner and a violation of § 961.41(3g)(b), Stats., which is a law substantially related to practice under Respondent's license.

COUNT II – 03 NUR 194

7. The night of July 16-17, 2003, Respondent was employed as a registered nurse by Medicor Human Resource Solutions, a temporary employee agency. That night, Respondent was placed as a pool nurse at Ridgewood Care Center, a county-owned multi-specialty long-term care facility in Racine, Wisconsin.
8. During Respondent's shift at Ridgewood, Respondent:
 - a. Removed 2 Vicodin tablets from Mr. B's medication supply and made an entry in the medical record that she had dispensed the Vicodin to Mr. B pursuant to a PRN (as needed) order. However, Respondent did not provide the Vicodin to Mr. B; she kept it for her own use.
 - b. Removed 2 Vicodin tablets from Ms. C's medication supply and made an entry in the medical record that she had dispensed the Vicodin to Ms. C pursuant to a PRN (as needed) order. However, Respondent did not provide the Vicodin to Ms. C; she kept it for her own use.
 - c. Removed 1 Vicodin tablet from a third resident's medication supply, without making any entry in the medical record and kept the Vicodin for her own use.
9. Taking the three residents' Vicodin without their consent was theft and violations of § 943.20(1), Stats., which is a law substantially related to practice under Respondent's license.
10. Respondent's possession of the three residents' Schedule III controlled substances was without the order of a practitioner and a violation of § 961.41(3g)(b), Stats., which is a law substantially related to practice under Respondent's license.

COUNT III – 04 NUR 003

11. From at least September 2003 to January 12, 2004, Respondent was employed as a registered nurse by Cameo Care Center (Cameo), a long-term skilled nursing facility in Milwaukee, Wisconsin.
12. The night of September 8-9, 2003, Respondent stole the following Schedule II controlled substances from Cameo's medication room and kept them for her own use:
 - a. Injectable morphine sulfate, six 1 ml. vials, 10 mg/ml.
 - b. Injectable Demerol brand of meperidine, two 1 ml ampules, 50 mg/ml.
 - c. Oxycodone tablets and capsules, 24 in various dosage strengths.
13. Taking Cameo's Schedule II controlled substances without consent was theft and violations of § 943.20(1), Stats., which is a law substantially related to practice under Respondent's license.
14. Respondent's possession of Cameo's Schedule II controlled substances was without the order of a practitioner and a violation of § 961.41(3g)(am), Stats., which is a law substantially related to practice under Respondent's license.

COUNT IV – 04 NUR 003

15. Respondent's theft of the controlled substances from Cameo on September 8-9, 2003, was videotaped by a hidden camera. On September 9, Respondent was confronted with the videotape by members of Cameo's administration. Respondent admitted the theft and provided her urine so that a drug screen could be performed. The results of testing were positive for cocaine, marijuana and opiates, which are all controlled substances. Marijuana is a Schedule I, Cocaine is a Schedule II and opiates are Schedule II and III controlled substances.

16. Cameo suspended Respondent and referred her to Cornerstone Clinic, where she was first seen for evaluation and treatment for chemical dependency on September 13. A drug screen on September 16 was positive for cocaine and one on September 24 was negative.

17. Cameo allowed Respondent to return to work on September 25, 2003. She continued to work without incident until she failed to appear for work and failed to notify Cameo that she would not work as scheduled on January 4 and 5, 2004. Respondent was required to submit a drug screen on January 7. When Cameo received an early result of the screen, which showed that Respondent had diluted her urine, they terminated her employment. The screen subsequently showed positive for cocaine.

18. Respondent did not have any legal order to possess cocaine, marijuana or opiates during September 2003 or January 2004.

COUNT V – 04 NUR 003

19. On October 24, 2003, Respondent was interviewed by an investigator from the Division of Enforcement regarding the allegations in 01 NUR 280 and 03 NUR 194. Respondent lied to the investigator and denied that she had diverted controlled substances and denied that she had ever had a drug problem.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.

2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by engaging in the conduct set out in Counts I, II, III and IV, has violated laws substantially related to practice under her license and has committed misconduct and unprofessional conduct, as defined by Wis. Adm. Code § N 7.04(1), which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats.

4. Respondent, by engaging in the conduct set out in Counts I, II, III and IV, has administered, supplied and obtained drugs other than in the course of legitimate practice and as otherwise prohibited by law and has committed misconduct and unprofessional conduct, as defined by Wis. Adm. Code § N 7.04(2), which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats.

5. Respondent, by engaging in the conduct set out in Counts I, II, III and IV, has abused drugs to an extent that such use impairs the ability of the licensee to safely or reliably practice, as defined by Wis. Adm. Code § N 7.03(2), which subjects Respondent to discipline pursuant to § 441.07(1)(c), Stats.

6. Respondent, by lying to the DOE investigator who was conducting an investigation for the Board, as set out in Count V, has committed misconduct and unprofessional conduct, as defined by Wis. Adm. Code § N 7.04(Intro), which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats.

7. Respondent's conduct in misappropriating the Vicodin of Mr. A, Mr. B and Ms. C, as set out in the Findings of Fact is an agency finding within the meaning of § 50.065(4m)(b)3, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Tina P. Putchel, R.N., of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$850.00 pursuant to § 440.22(2), Stats.

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

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."

Dated at Madison, Wisconsin this 4th day of March, 2004.

Jacqueline A. Johnsrud, R.N.
Chairperson
Board of Nursing