

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**  
:  
SUE ELLEN EUGSTER, R.N., A.P.N.P., : LS0704194NUR  
RESPONDENT. :

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Division of Enforcement Case #04 NUR 220

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

Sue Ellen Eugster  
1823 Buckingham Rd.  
Stoughton, WI 53589

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

#### PROCEDURAL HISTORY

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. Sue Ellen Eugster (D.O.B. 11/1/57) is duly licensed in the state of Wisconsin as a registered nurse (license # 76663). This license was first granted on 8/29/80. Respondent is also certified as an Advanced Practice Nurse Prescriber in Wisconsin, certificate #1324, granted on 1/26/99. Respondent is employed full time at the William S. Middleton Veterans Administration Hospital in Madison, Wisconsin. She does not have a collaborative relationship with a physician outside of her practice at the VA, nor does she have malpractice insurance covering any practice outside the scope of her employment at the VA.

2. On 3/24/03, Respondent telephoned a local pharmacy and ordered a one month supply with five refills of an SSRI medication for patient S.D., a former member of her family who was not a patient seen at the VA facility. The patient had been previously prescribed this medication by his own physician, but had run out of the medication and lacked medical insurance to pay for a physician visit to have the prescription renewed. On 7/29/03, Respondent telephoned a local pharmacy and ordered an antibiotic for the same person, for an apparent infected dental abscess; the patient later did receive dental care to remove the cause of the infection. On neither occasion did Respondent make or keep any patient health care record.

3. On 8/27/03, Respondent's mother requested that Respondent prescribe medication which her physician had previously prescribed for her; the mother stated that she had taken more than the dosages prescribed by her physician and was now out of them but could not obtain more until the end of the month. Her mother also requested that Respondent not contact or inform the mother's physician of these facts. Respondent telephoned an order for triazolam 0.25mg HS, #7, and lorazepam 1mg TID, #21, to a local pharmacy, purportedly for patient S.D. (the person referred to in par.2, above), but

actually intended for her mother. Respondent was not, at the time, registered with the DEA to prescribe any controlled substances outside of the VA system; Respondent represents to the Board that she was unaware that these medications are controlled substances. Respondent's mother was not a patient of the VA facility, nor did Respondent make or keep any patient health care record.

4. As a result of the actions described above, Respondent was disciplined by her employer by being suspended without pay for three days, and was required to take additional education related to pharmaceuticals as well as ethical legal issues for local VA, state, and federal laws related to Advanced Practice Nurse Prescribers. A number of patient health care records were reviewed, and her clinical practice was found to be appropriate and within the standard of care. Respondent cooperated fully with the investigations at the VA, and by the Board.

### CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a professional nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1)(b), (d), and (e), and Wis. Adm. Code §§ N 7.04(2), (7), (13m), and (15), N 8.08, and N 8.10(7).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Sue Ellen Eugster, R.N., A.P.N.P., is REPRIMANDED for her unprofessional conduct in this matter.

2. The license of Respondent to practice as a nurse in the state of Wisconsin, and her certificate as an A.P.N.P., including any privilege to practice under the Nurse Licensure Compact, are LIMITED as follows: no later than ninety days from the date of this Order, Respondent shall successfully take and pass the jurisprudence examination for advanced practice nurse prescribers, specified in Wis. Adm. Code § N 8.03(5). Respondent shall pay the standard fee for the examination, and may attempt the examination no more than twice, without permission of the Board or its designee. Upon successful completion of the examination, Respondent's unlimited license and unlimited certification shall be restored without further action by the Board.

If Respondent has not taken and passed the examination by the date specified, her license and certification shall be SUSPENDED without further notice or hearing, until such time as she has passed it. If Respondent fails the examination twice, her license and certification shall be SUSPENDED without further notice or hearing, until such time as she has passed it; she must appear before the Board or its designee with a plan to prepare for the examination, and obtain the approval of the Board or its designee before attempting the examination a third or subsequent time.

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the Costs as set forth below, Respondent's license and certification SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$500, within 90 days of this Order.

WISCONSIN BOARD OF NURSING

By: MarilynKaufmann  
A Member of the Board

4/19/07  
Date