

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 :
: FINAL DECISION AND ORDER
CHARLOTTE T. AGNEW, R.N., : LS0709191NUR
RESPONDENT. :

[Division of Enforcement Case #'s 07 NUR 144 & 07 NUR 290]

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

Charlotte T. Agnew, R.N.
7516 W. Meinecke Ave.
Wauwatosa, WI 53213

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A Notice of Hearing and Complaint were filed and served on September 19, 2007. A hearing date has not been scheduled. 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charlotte T. Agnew, R.N., Respondent, date of birth May 11, 1966, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 113557, which was first granted September 24, 1993.

2. Respondent's last address reported to the Department of Regulation and Licensing is 7516 W. Meinecke Ave Wauwatosa, WI 53213.

COUNT I

3. During August 2004, Respondent repeatedly, illegally diverted morphine, a schedule II controlled substance, for her own use from her employment as a registered nurse at St. Luke's Medical Center in Milwaukee, Wisconsin. When it was discovered, her employment was terminated and she was reported to the Department and the Board opened investigation 04 NUR 243. The investigation was closed when Respondent was accepted in the Department's Impaired Professional Procedure (IPP) beginning December 1, 2004.

COUNT II

4. On April 28, 2006, while at her place of employment as a registered nurse, Kindred Hospital in Greenfield Wisconsin, Respondent made a “tool” and used it to try to extract propoxyphene, a schedule IV controlled substance which is an analgesic, from a “sharps” container where it had been disposed of. It was Respondent’s intention to illegally divert the medication for her own use. Respondent was placed on a leave of absence and then allowed to return to work.

COUNT III

5. On January 17, 2007, on her day off, Respondent went to her place of employment, Kindred Hospital. Respondent offered to cover for an on-duty nurse while that nurse took a break. When the other nurse returned from her break, she caught Respondent stealing a fentanyl patch off a patient. Fentanyl is a schedule II controlled substance which is an analgesic. Respondent’s employer reported this incident to IPP. Respondent’s employment was not terminated because she entered treatment and she was allowed to return to work on February 18.

COUNT IV

6. In March 2007, Respondent repeatedly, illegally diverted for her own use injectable diazepam, morphine, Meperidine and hydrocodone, all of which are controlled substances, from her employment at Kindred Hospital. Respondent accomplished the diversion by surreptitiously replacing the drugs in the syringes with some other liquid and then returning the syringes to the locked medication cabinets to be given to patients. These events were reported to IPP and Respondent was dismissed from IPP on April 16, 2007.

COUNT V

7. Respondent began employment with Staffing Partners, an agency that provides nurses to work in health care settings. The agency placed her as a registered nurse at Select Specialty Hospital in Milwaukee. On August 24, 2007 Respondent reported to work at Select.

a. At 8:30 p.m., Respondent fell onto a patient’s bed and had to be removed by other staff. Thirty minutes later, Respondent fell to the floor as she attempted to walk out of a room on the unit.

b. Respondent’s blood pressure was 169/106 and her pulse was 125. She was drooling and her speech became increasingly slurred and she became incoherent.

c. Respondent was found to be holding a punctured ampoule of Dilaudid, a brand of hydromorphone, a schedule II controlled substance, which she had taken from the Pyxis machine.

d. A large opened and partially emptied bottle of vodka was found in the bag Respondent had at work.

e. Respondent was taken by staff to the Emergency Department. Lab work showed an elevated alcohol level, but she refused further evaluation or treatment. When Respondent’s condition improved, she got off the gurney, walked out of the Emergency Department and refused to sign any papers. She returned to the unit, gathered her bags and went home. At approximately 10 p.m., Respondent called the agency and resigned.

f. Respondent was working as a registered nurse while using alcohol and other drugs to an extent that the use impaired her ability to safely or reliably practice.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by obtaining and using a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out in Counts I, II, III, IV and V above, has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by using alcohol and other drugs to an extent that the use impaired her ability to safely or reliably practice, as set out in Count V above, has abused alcohol and drugs as defined by Wis. Admin. Code § N 7.03(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Charlotte T. Agnew, R.N. as a registered nurse in the State of Wisconsin is hereby **REVOKED**.

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 \$835.00 pursuant to Wis. Stat. § 440.22(2).

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

4. This Order is effective on the date it is signed.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

11/8/07
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

CHARLOTTE T. AGNEW, R.N.,
RESPONDENT.

:
:
:
: STIPULATION
: LS 0709191 NUR
:

[Division of Enforcement Case #'s 07 NUR 144 & 07 NUR 290]

It is hereby stipulated and agreed, by and between Charlotte T. Agnew, R.N., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending disciplinary proceeding against Respondent's licensure Division of Enforcement files 07 NUR 144 and 07 NUR 290. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent neither admits nor denies the allegations in this matter, but agrees there is evidence from which the Board could make the findings and conclusions. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and

Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, she will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

10. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Charlotte T. Agnew, R.N. Date
Respondent
7516 W. Meinecke Avenue
Wauwatosa, WI 53213

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

_____ Date