

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
THE APPLICATION OF:

:
:
:
:
:

DECISION AND ORDER

MARY T. MEUCCI,
APPLICANT.

LS0806059NUR

Division of Enforcement Case #08 NUR 121

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

Mary T Meucci
W207N17133 Parkview Dr
Jackson WI 53037

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 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. Mary Therese Meucci (dob: 9/8/72) has applied for licensure as a practical nurse in the State of Wisconsin. She has completed the educational requirements for licensure, and has not yet passed the examination.
2. Applicant was convicted in 1992 of misdemeanor theft on two occasions; one of these involved using a credit card which was not hers. She was convicted of issuance of a worthless check in 2007. She was again convicted of misdemeanor theft in 2008; the facts are that she was an employee of a retail store and on 10/11/07, she removed a quantity of currency (\$246) from an envelope containing the daily receipts of the store, which she then converted to her own use. She was sentenced to 60 days in county jail, which sentence was stayed; she was placed on probation for this offense until 1/7/09, and until then is not permitted to handle the monies or finances of others. Respondent did make restitution in full to her former employer.
3. Applicant met with the Board on 4/3/08 and discussed the facts set forth above, and other facts relevant to her application.

CONCLUSIONS OF LAW

- A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07(1)(b),(c), and (d), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

SUSPENSION

- A.1. The application for licensure as a practical nurse of Mary T. Meucci, shall be GRANTED following completion of the normal requirements of licensure including the examination. Any license so issued to her is, upon issuance, SUSPENDED.
- A.2. During the pendency of this Order and any subsequent related orders, Applicant may not practice in another state pursuant to the Nurse Licensure Compact under the authority of the Wisconsin license, unless Applicant receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory authority in the other state.
- A.3. Upon a showing by Applicant of continuous, successful compliance for a period of at least two (2) years with the terms of this Order, including at least 600 hours of active nursing for every year the suspension is stayed, the Board may grant a petition by the Applicant under paragraph D.4. for return of full licensure.
- A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

STAY OF SUSPENSION

- B.1. The suspension shall be stayed upon Applicant petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Applicant is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Applicant for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Applicant either by:
 - (a) Mailing to Applicant's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Applicant or Applicant's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Applicant requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Applicant's request, unless waived by Applicant. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Applicant shall enter into, and shall continue, in a mental health treatment program at a treatment facility (Treater) acceptable to the Board or its designee. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Applicant shall immediately provide Treater with a copy of this Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Applicant's mental health treatment program as required under the terms of this Order, and shall immediately report any noncompliance, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Applicant shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The program shall include such group and/or individual therapy sessions, at a frequency, determined by Treater. If the

Board deems therapy reports unsatisfactory or unacceptable the Board may require respondent to seek therapy from a Board approved therapist. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.

- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in the treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- C.6. Applicant shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to: (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

- C.7. [AA/NA requirement omitted]

Sobriety

- C.8. [alcohol prohibition omitted]

- C.9. 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 mental health 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, Treater and the Board or its designee.

- C.10. Applicant shall abstain from all use of over-the-counter medications or other substances which may interfere with Applicant's treatment and rehabilitation.

- C.11. Applicant shall report all medications and drugs, over-the-counter or prescription, taken by Applicant to Treater and the Department Monitor within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. If Applicant has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Board or its designee, Applicant shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Applicant's treatment with, and provide copies of treatment records to, the requester.

Drug and Alcohol Screens

- C.12. [omitted]

- C.13. [omitted]

- C.14. [omitted]

- C.15. [omitted]

- C.16. The Board or its designee may require Applicant to do any or all of the following: (a) submit urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.

- C.17. [omitted]

- C.18. [omitted]

Practice Limitations

- C.19. 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.

- C.20. Applicant shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee.

Applicant may not work in a home health care, hospice, pool nursing, or agency setting.

- C.21. Applicant shall provide a copy of this Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Applicant works as a nurse or care giver or provides health care, currently or in the future.
- C.22. It is Applicant's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
- C.23. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin 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

Required Reporting by Applicant

- D.2. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any failures of the Treater or treatment facility to conform to the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Applicant. Additionally, every three (3) months the Applicant shall notify the Department Monitor of the Applicant's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Applicant shall also authorize and request her probation agent to simultaneously file any reports provided to the court, with the Department Monitor, and to otherwise authorize and request that her probation agent share and discuss any relevant information with the Department Monitor regarding her compliance with the conditions of probation.

Change of Treater or Approved Program by Board

- D.3. If the Board or its designee determines the Treater has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Applicant continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.4. Applicant may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such 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.

Costs of Compliance

- D.5. 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 treatment program for non-payment is a violation of this Order.

Costs of Proceeding

D.6. [omitted]

Additional Discipline

D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

Dated at Madison, Wisconsin this June 5, 2008,

WISCONSIN BOARD OF NURSING, by:

Kathleen Sullivan
Chairperson