

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **ORDER OF SUMMARY SUSPENSION**
:
SARAH A. SPAETH, R.N., : LS-0905011-NUR
RESPONDENT. :

Division of Enforcement Case #09 NUR 15

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

Sarah A. Spaeth, R.N.
1503 Monroe Ave.
South Milwaukee, WI 53172

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

This matter came before the Board at its regular and properly noticed meeting on May 7, 2009. Arthur Thexton, Prosecuting Attorney on behalf of the Division of Enforcement appeared by telephone. The Respondent did not appear in person or by telephone. The Board received the following documents, in addition to the sworn Petition for Summary Suspension: (1) Urine Drug Screen, (2) signed report of Jennifer L. Reuter, R.N., dated 1/12/09, (3) list of medications taken by Respondent, signed by her on 11/5/08, (4) handwritten list of medications being taken by Respondent, as stated by her telephonically on 1/7/09, to Jennifer L. Reuter, R.N. and Chris Froh. The Board heard testimony from Inv. Michelle Schram, and statements by Atty Thexton. Based upon all of the information received, the Board makes the following:

FINDINGS OF FACT

1. Sarah A. Spaeth (dob: 11/28/72) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #151055. This license was first granted 7/15/05. Her address of record is 1503 Monroe Ave., South Milwaukee, WI 53172.
2. On 11/11/08, Respondent commenced work for Specialty Hospitals, Inc., Waukesha, Wisconsin, as a nurse providing direct patient care in an inpatient setting, including the providing of controlled substances to patients, as ordered by their physicians.
3. During Respondent's tenure with Specialty Hospitals, there were repeated irregularities with controlled substances attributable to her, including: on 12/5/09, 4 syringes of morphine and 4 of hydromorphone (Dilaudid®), both Schedule II controlled substances, were found to be missing from the medication dispensing machine. An unused syringe of morphine and an empty vial of lorazepam, a Schedule IV medication, were found in Respondent's pocket; Respondent stated that she had administered the morphine to a patient and the patient's chart contained documentation that the medication had been administered, by Respondent. However, the morphine was still in the syringe, sealed, and it is physically impossible for that syringe to have been used for that patient, as stated and charted by Respondent. Further review of Respondent's charting showed that in the previous days and weeks, Respondent had repeatedly removed multiple controlled substances for multiple patients at the same time from the dispensing machine, which is contrary to policy and safe nursing practice, that her documentation of administering controlled substances did not correspond to the records of her removing those

medications from the machine, and that on occasion she had documented administering more medication to patients than the physician had authorized or ordered, thus giving rise to the inference that she gave the patient the amount ordered but reserved the balance for herself.

4. On 1/5/09, Specialty Hospitals, Inc., required Respondent to submit a sample of her urine for testing, and upon testing it was found to contain methadone, hydrocodone, oxycodone, and hydromorphone (or their metabolites), all of which are Schedule II or III opioids or opiates. Respondent had previously reported to Specialty Hospitals that she had a prescription for oxycodone for back pain; she did not report having a prescription for any of these other medications, nor did she report having such a prescription when interviewed by hospital staff on 1/7/09.
5. Respondent appeared before Inv. Michelle Schram on February 2, 2009, pursuant to investigative subpoena, and stated, among other things, that she had been diagnosed with cervical cancer which had metastasized to her bones and that she therefore had between six and twelve months of anticipated survival, and that she had prescriptions for all of the medications found in her urine. She stated that her oncologist was a Dr. James Hanson (phonetic), and that her primary care physician was Dr. James Scerpella. There is probable cause to believe that all of these statements were false.
6. A Complaint has been filed alleging that Respondent committed unprofessional conduct as set forth, above.
7. Respondent has failed to respond to several telephone and e-mail contacts from Inv. Schram in the past several weeks.
8. For Respondent to practice under these circumstances, is an immediate danger to patients and the public. Summary suspension is necessary to protect the public health, safety and welfare.
9. Respondent was informed of this Notice and Petition for Summary Suspension on 4/30/09, by having the documents mailed to the address of record in the Board's files, on that date; a copy was also e-mailed to Respondent on 4/29/09.

CONCLUSIONS OF LAW

The legal requirements for summary suspension pursuant to ch. RL 6, Wis. Adm. Code, have been fulfilled.

ORDER

NOW, THEREFORE, IT IS ORDERED: the license of Sarah A. Spaeth, R.N., to practice nursing is **SUSPENDED** pending final decision and order in this matter. Respondent shall surrender her credentials to the Board, or any department staff requesting them, forthwith.

IT IS FURTHER ORDERED, that Respondent may request a hearing to show cause why this suspension order should not be continued, and may file such request with the Board. A hearing on such request shall be scheduled within 20 days of the date the Board receives such request, unless Respondent agrees to a later date.

Dated this May 8, 2009,

WISCONSIN BOARD OF NURSING, by:

Marilyn A. Kaufmann, R.N., Ph.D.
Chair

5/8/09