

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARY B. EGAN, R.N.
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001772

The State of Wisconsin Board of Nursing, having reviewed the above entitled matter, and having reviewed the record filed by the Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Findings of Fact, Conclusions of Law, and Order annexed hereto, signed by the parties and filed by the Examiner, shall be and hereby is made and ordered the Final Decision of the Board of Nursing In the Matter of the Disciplinary Proceedings Against Mary B. Egan, R.N., Respondent. Let a copy of this Order be served on the Respondent by certified mail.

Dated this 7/21 day of July, 1980.

BOARD OF NURSING

BY:

Marjorie Lundquist
A Member of the Board

EGAN, Mary B.; R.N.
7-21-80 (Stipulation)
LIMITED FOR 1 YEAR

Nurse

Description:

Egan did not contest allegations that she directed from her place of employment and self-administered Schedule II (Demerol) and Schedule III (Tylenol and Empirin #3) controlled substances during a six-month period. The Board ordered a limitation of her license for one year based upon previous successful completion of a drug rehabilitation program.

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Dept. of Regulation & Licensing
Div. of Consumer Complaints

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY B. EGAN, R.N.,
RESPONDENT

PROPOSED FINDINGS
OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

1. That Mary B. Egan, hereinafter referred to as Respondent, was, at all times relevant to the Complaint filed in this matter, duly registered under the provisions of Chapter 441, Wis. Stats., to practice as a registered nurse in the State of Wisconsin (Certification No. 70916, issued September 29, 1978).

2. That Respondent's address is 17600 Brooklawn Drive, Brookfield, Wisconsin.

3. That from on or about October 4, 1978, and until on or about April 25, 1979, Respondent was employed by and practiced as a registered nurse at, Congregational Home, Inc., located at 13900 West Burleigh Road, Brookfield, Wisconsin 53005.

4. That beginning on or about October 4, 1978, and until on or about April 19, 1979, Respondent did, on a regular basis during that period and while on duty at the Congregational Home, procure from the unit dose cart, possess and self-administer Schedule III Controlled Substances identified as Tylenol (Acetaminophen) with Codeine No. 3, and Empirin (aspirin) with Codeine No. 3, and that said controlled substances were not procured or possessed pursuant to the valid prescription of a practitioner.

5. That beginning on or about April 6, 1979, and ending on or about April 19, 1979, Respondent did, on a regular basis during that period and while on duty at the Congregational Home, procure from inventory or from the unit dose cart, possess and self-administer the Schedule II Controlled Substance identified as Demerol (Meperidine Hydrochloride) parenteral solution; and that said controlled substance was not procured or possessed pursuant to the valid prescription of a practitioner.

6. That on or about April 24, 1979, Respondent was admitted to the Intercept Program of Kettle Moraine Hospital, Oconomowoc, Wisconsin, for treatment of drug dependency, and that she successfully completed that program on September 10, 1979. A copy of a letter from Mr. Doug Roepke, Chemical Abuse Counselor for the hospital, confirming Respondent's completion of the treatment program is attached hereto and made a part hereof.

7. That on August 27, , 1979, Respondent was accepted for employment as a registered nurse at the Kettle Moraine Hospital, that such employment has continued to date, and that Respondent's job performance to date has

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been satisfactory. Copies of letters dated November 12, 1979 and June 25, 1980 confirming Respondent's employment and job performance are attached hereto and made a part hereof.

CONCLUSIONS OF LAW

8. That the procurement, possession and self-administration of controlled substances, as found in paragraphs 4 and 5, above, constitute violations of sections 161.41(3) and 161.43(1), Wis. Stats., and also constitute moral delinquency, unprofessional conduct, and evidence of addiction to the use of habit-forming drugs, within the meaning of section 441.07, Wis. Stats., and as defined by sections N11.03 and N11.04, Wis. Admin. Code.

9. That Respondent's successful completion of the drug treatment program of Kettle Moraine Hospital and Respondent's successful employment as a registered nurse at Kettle Moraine Hospital constitute evidence of rehabilitation and current demonstrated ability to safely carry out nursing duties.

ORDER

10. That Respondent's certificate of registration be, and hereby is, limited for a period of one year from the date of this order as follows:

- (a) Respondent shall refrain from the use of any mind-altering drug unless prescribed for valid medical purpose.
- (b) Respondent shall submit to any reasonable medical examination or test requested by the board to determine whether Respondent is drug free. Such examination or test shall be conducted according to procedures prescribed by the board or its authorized representative. Respondent shall bear the cost of the collection of any specimens.
- (c) Respondent shall notify the board of her place of employment and general work schedule as a nurse and of any change in her employment or work schedule. The board may conduct inspections, investigations or observations of the respondent while working as a nurse at any time.
- (d) One year from the date of this Order, Respondent or her employer shall submit to the board a report prepared by her employer providing an evaluation of Respondent's performance as a registered nurse during the period of limitation. Should Respondent not be currently employed as a registered nurse at that time, she shall submit to the board a medical report prepared by a physician or psychiatrist following an examination and providing an evaluation as to her ability to safely practice nursing.

Violation of any condition of this Order shall constitute a basis for further disciplinary action by the board.

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Dept. of Regulation & Licensing
Div. of Professional Regulation

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARY EGAN, R.N.,
RESPONDENT

PROPOSED
STIPULATION

On May 14, 1980, a complaint was filed in the above-entitled matter, the gravamen of which was that the Respondent, Mary Egan, during a seven month period beginning in September, 1978, had procured from her place of employment and had self-administered certain controlled substances in violation of the state statutes and the Nursing Code.

On the same date the Complaint was filed, a hearing was ordered pursuant to Chapter 441, Wis. Stats., and Chapter RL 2, Wis. Admin. Code, for the purpose of considering the allegations of the Complaint. Thereafter, Wayne R. Austin, attorney for Complainant, and Jack Anderson, attorney for Respondent, entered into discussions for the purpose of attempting a resolution of the issues presented. As a result of those discussions, the named parties reached agreement on disposition of the matter, which agreement is intended as a full disposition of all complaints presently pending against Respondent and is further intended as a recommended basis for the final Decision of the Board of Nursing.

ACCORDINGLY, Kristine Raymond, by her attorney, and Mary B. Egan, by her attorney, in consideration of the terms and conditions of this Stipulation and in consideration and upon condition of acceptance of the terms and conditions of this Stipulation by the Board of Nursing, do hereby Stipulate:

1. That Respondent freely and voluntarily waives her right to a public hearing in this cause.
2. That the Board adopt as its final decision in this matter the Proposed Findings of Fact, Conclusions of Law and Order appended hereto and made a part hereof.

Dated this 9th day of July, 1980.

Mary B. Egan
Mary B. Egan, Respondent

Jack J. Anderson
Jack J. Anderson, Attorney
for Respondent

Wayne R. Austin
Wayne R. Austin, Attorney
for Complainant

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