

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Sept.
1981

FILE COPY

STATE OF WISCONSIN
BEFORE THE
BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN GARRY, R.N.
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001749

The Wisconsin Board of Nursing, having considered the above entitled matter and having reviewed the record and the Proposed Decision of the Examiner, makes the following:

ORDER

IT IS HEREBY ORDERED, that the Findings of Fact and Conclusions of Law contained in the Proposed Decision, annexed hereto, are accepted in this Final Decision and that the Board modifies the proposed Order as follows:

That the certificate to practice as a registered nurse (No. 65406) of Respondent, SUSAN GARRY, shall be and hereby is SUSPENDED for one year.

That following the suspension period, the certificate of the Respondent be limited for a period of one year by the terms proposed for limitation in the Proposed Decision.

The effective date of this Order shall be January 20, 1981 and commence through January 20, 1983.

The reason for the variance is that the Board believes that the seriousness of the Respondent's actions, in depriving patients of needed medications resulting in a strong potential for increased pain and harm to the patients, as well as the deliberateness of the Respondent's conduct, warranted a longer suspension than proposed in the Proposed Decision.

Let a copy of this Order be served on the Respondent by certified mail.

Upon receipt of the Final Decision and Order, Respondent shall submit to the Board of Nursing her original certificate and renewal card.

Dated this 17 day of January, 1981.

BOARD OF NURSING

BY: Marjorie Lundquist
Marjorie Lundquist, R.N., Chairperson

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: PROPOSED DECISION
SUSAN GARRY, R.N., :
RESPONDENT. :

The Complaint and Notice of Hearing were served on the respondent on March 10, 1980.

A prehearing conference was held on April 8, 1980 in Madison, Wisconsin. During the conference the parties indicated that this matter might be resolved informally by means of a stipulation.

On September 17, 1980 a stipulation was filed with the examiner, a copy of which is attached hereto. In the stipulation the respondent waives her right to a formal hearing.

Based upon the stipulation of the parties, the examiner recommends that the following findings of fact, conclusions of law and order be adopted by the Board of Nursing.

FINDINGS OF FACT

1. Susan Garry (Garry) was, at all times relevant hereto, duly registered under the provisions of Chapter 441, Wis. Stats., to practice as a registered nurse in the State of Wisconsin (certification #65406, issued September 17, 1976).
2. Garry's address is 1621 North Franklin Place, Apt. #112, Milwaukee, Wisconsin 53202.
3. From on or about August 23, 1976, and until on or about March 12, 1979, Garry was employed as a registered nurse by Deaconess Hospital, 620 North 19th Street, Milwaukee, Wisconsin, hereafter referred to as the hospital.
4. From late 1978 until approximately March, 1979, Garry did, at various times during that period and while on duty at the hospital, procure from unit dose carts, possess and self-administer schedule II controlled substances identified as Meperidine hydrochloride, also known as Demerol hydrochloride, and Morphine; and a prescription drug identified as Pentazocine hydrochloride, also known as Talwin. Said controlled substances and said prescription drugs were not procured or possessed pursuant to the valid prescription of a practitioner.
5. The procurement by Garry of controlled substances and prescription drugs, as described in paragraph 4, above, was accomplished by the utilization of syringes containing said substances and drugs prepared for patients of the hospital and thereafter, by filling said syringes with saline solution.

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6. After discovery by the hospital administration of the activities described in paragraphs 4 and 5 above, and after termination of her employment at the hospital in March, 1979, Garry sought and gained admittance to the Fourth Street Drug Abuse Treatment Program of the Wisconsin Correctional Service. Garry successfully completed that program in August, 1979. Copies of letters from Ms. Linda Burke, MSW, a program therapist, confirming Garry's participation in and completion of the treatment program are attached hereto and made a part hereof.

7. In May, 1979, Garry was accepted for employment as a registered nurse at St. Mary's Hospital, Milwaukee, Wisconsin. That employment continued until her voluntary resignation in March, 1980. Garry's job performance was satisfactory. A copy of a letter dated April 14, 1980, from Garry's supervisor, confirming her employment, is attached hereto and made a part hereof. Also attached is a copy of a letter dated April 21, 1980, signed by Robert R. Mott, M.D., and a copy of a letter received on May 27, 1980, signed by Timothy C. Nicely, M.D., each commenting upon Garry's job performance while employed at Deaconess Hospital.

8. After completion of the Fourth Street program, Garry has continued to receive psychiatric therapy under the care of Dr. Basil Jackson, M.D., in order to assure permanent rehabilitation from drug dependence. A copy of a letter dated April 1, 1980, from Dr. Jackson is attached hereto and made a part hereof.

CONCLUSIONS OF LAW

1. That the Board of Nursing has jurisdiction to take disciplinary action in this proceeding pursuant to sec. 227.07(5) and sec. 441.07, Wis. Stats.

2. That Garry's procurement, possession and self-administration of schedule II controlled substances and of prescription drugs, as found in paragraphs 4 and 5 above, constitute violations of sections 161.41(2r), 161.43(1)(a), 450.07(7) and 450.07(9)(a), Wis. Stats.; and also constitutes moral delinquency, unprofessional conduct, and evidence of addiction to the use of habit-forming drugs, within the meaning of section 441.07, Wis. Stats.

3. That Garry's successful completion of the Fourth Street drug treatment program and her successful employment at St. Mary's Hospital constitute evidence of rehabilitation and demonstrated current ability to safely carry out nursing duties.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Respondent, SUSAN GARRY'S certificate of registration shall be, and hereby is SUSPENDED for a period of three months from the effective date of this order.

IT IS FURTHER ORDERED that upon restoration of Garry's certificate of registration after termination of the ordered period of suspension, Garry's certificate of registration be, and hereby is, LIMITED for a further period of nine months as follows:

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- (a) Garry shall refrain from the use of any mind-altering drug unless prescribed for valid medical purpose.
- (b) Garry shall submit to any reasonable medical examination or test requested by the board to determine whether she is drug free. Such examination or test shall be conducted according to procedures described by the board or its authorized representative. Garry shall bear the cost of the collection of any specimens.
- (c) At termination of the period of limitation (one year from the effective date of this order) Garry or her employer shall submit to the board a report prepared by her employer providing an evaluation of her performance as a registered nurse during the period of limitation. Should Garry 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.

Dated this 30th day of September, 1980.

Respectfully submitted,

David R. Beld

David R. Beld, Examiner

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Dept. of Regulation & Control