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Dept.
1981

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SANDRA DECKER, L.P.N.,
RESPONDENT.

:
:
:
:
:
:
FINAL DECISION
AND ORDER

ORDER 0001884

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

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. Let a copy of this order be served on the respondent by certified mail.

Dated this 20th day of July, 1981.

Margaret Lundquist RN

017-552

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

SANDRA DECKER, L.P.N., :
RESPONDENT :

The parties to this proceeding, for the purposes of Wis. Stats.
sec. 227.16, are:

Sandra Decker.
7215 - 32nd Avenue
Kenosha, Wisconsin 53140

Board of Nursing
1400 East Washington Avenue, Room 178
P.O. Box 8936
Madison, Wisconsin 53708

A Notice of Hearing and Complaint were filed in the above-captioned matter on January 23, 1981. A prehearing conference was held on February 17, 1981 commencing at 2:30 p.m. in Room 288A, 1400 East Washington Avenue, Madison, Wisconsin. Appearing on behalf of the complainant was Attorney Wayne R. Austin. The respondent, Sandra Decker, appeared in person and without legal counsel. The parties discussed reaching an agreement upon all the issues in this case, and a Stipulation setting forth the terms of the agreement ultimately reached was filed on June 22, 1981. A copy of the Stipulation is attached hereto.

Based upon the Stipulation filed herein, the Hearing Examiner recommends that the Board of Nursing adopt the following Findings of Fact, Conclusions of Law, and Order as its final decision in its case, which are the terms agreed upon and stipulated to by the parties.

FINDINGS OF FACT

1. Sandra Decker (Decker) was, at all times relevant to the Complaint filed in this matter, duly licensed under the provisions of Chapter 441, Wis. Stats., to practice as a trained practical nurse in the State of Wisconsin (license number T4347, issued June 15, 1962).
2. Decker's address is 7215 - 32nd Avenue, Kenosha, Wisconsin 53140.
3. Beginning on or about April 9, 1962 and until on or about March 7, 1980, Decker was employed by, and practiced as a trained practical nurse at, Kenosha Memorial Hospital, 6308 Eighth Avenue, Kenosha, Wisconsin 53140 (hospital).

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4. During a period beginning in or before September, 1979 and ending on or about March 7, 1980, Decker did, on a regular basis, procure from the hospital's inventory and possess for her own use the Schedule II controlled substances identified as Demerol, a/k/a meperidine hydrochloride, and Percocet, a/k/a oxycodone. Said controlled substances were not procured or possessed pursuant to a valid prescription of a practitioner.

5. Decker falsified hospital patient records for the purpose of concealing her procurement of the controlled substances set forth in paragraph 4 above, including the hospital's narcotics dispensing record, patient administration records, and patient flow sheets.

6. Beginning on or about March 17, 1980 and until on or about July 18, 1980, Decker was employed by, and practiced as a trained practical nurse at, Hospitality Manor Nursing Home, 8633 - 32nd Avenue, Kenosha, Wisconsin 53140 (Hospitality Manor).

7. On July 18, 1980, Decker procured from Hospitality Manor's inventory and possessed for her own use, two syringes of Demerol, a/k/a meperidine hydrochloride. The medication was withdrawn from the home's stock bottles and was not procured or possessed pursuant to a valid prescription of a practitioner.

8. In an attempt to conceal her procurement of Demerol, as found in paragraph 7 above, Decker replaced the amount withdrawn from the affected stock bottles with water.

9. Decker was employed by Kenosha Memorial for more than 18 years prior to the time of the actions complained of and her performance during that period was uniformly satisfactory. Letters from a number of co-employees and nursing supervisors evaluating the quality of Decker's work are contained within the file in this case.

10. Decker's actions in diverting controlled substances, as found in paragraphs 3 through 8 above, resulted principally from severe emotional stress experienced by her during the period in question. A psychiatric evaluation conducted by Richard E. Fogle, Ed. D., dated September 17, 1980, is attached hereto and made a part thereof.

11. Beginning in August, 1980, Decker sought and received psychotherapy at Youth and Family Psychological and Educational Services and continues to receive psychotherapy at the present time. Psychiatric evaluations dated February 19, 1981, conducted by David B. Marcotte, M.D., and by Richard E. Fogle, Ed. D., are attached hereto and made a part hereof.

CONCLUSIONS OF LAW

1. The State of Wisconsin Board of Nursing has jurisdiction to take disciplinary action in this proceeding pursuant to section 227.07(5), Wis. Stats.

2. Decker's actions, as found in paragraphs 4 through 8 of the Findings of Fact, constitute moral delinquency within the meaning of section N 11.03(3), Wis. Adm. Code.

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3. Pursuant to section 441.07, Wis. Stats., moral delinquency constitutes basis for revocation, limitation or suspension of respondent's license or for reprimand by the Board of Nursing.

ORDER

IT IS HEREBY ORDERED that the license of Sandra Decker to practice as a trained practical nurse in the State of Wisconsin be, and hereby is, suspended for a period of three months from the effective date hereof.

IT IS HEREBY FURTHER ORDERED that following reinstatement, Decker's license shall be limited for a period of nine months as follows:

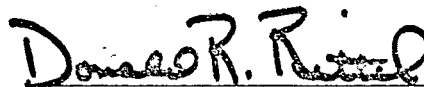
1. Three months following reinstatement of her license, Decker shall submit to the Board a written report from Family Psychological and Educational Services prepared by a psychiatrist following a psychological evaluation reflecting that Decker continues to be capable of safely and successfully practicing as a practical nurse.

2. Nine months following reinstatement of her license, Decker shall submit to the Board a second written report from Family Psychological and Educational Services prepared by a psychiatrist following a psychological evaluation reflecting that Decker continues to be capable of safely and successfully practicing as a trained practical nurse.

In the event the Board of Nursing does not accept the Stipulation and the proposed decision as its final decision in this matter, the case shall be returned to the Hearing Examiner for further proceedings with a statement from the board as to why the Stipulation was not accepted and the proposed decision not adopted.

Dated at Madison, Wisconsin, this 26th day of June, 1981.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

374-284

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