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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MADALYNN ANN PEARSON, T.P.N.,
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001606

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.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Madalynn Ann Pearson.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin, Board of Nursing.

Dated this 19th day of November, 1982.

Margaret Lundquist RN

pc017-552

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

MADALYNN ANN PEARSON, T.P.N., :
RESPONDENT. :

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

Madalynn Ann Pearson
5423 Cummings Avenue
Superior, Wisconsin 54880

Board of Nursing
1400 East Washington Avenue, Room 174
P.O. Box 8936
Madison, Wisconsin 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P.O. Box 8936
Madison, Wisconsin 53708

A hearing was held in the above-captioned matter on October 19, 1982 at 1400 East Washington Avenue, Madison, Wisconsin. The complainant appeared by attorney Steven M. Gloe. The respondent was not present nor was anyone present to represent her.

Based upon the record, the Hearing Examiner recommends that the Board of Nursing adopt as its final decision the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Madalynn Ann Pearson (Pearson) was at all times material to this proceeding licensed as a trained practical nurse in the State of Wisconsin under license #9609, which was issued on December 9, 1969.
2. At the present time, Pearson has not renewed her license as a trained practical nurse in the State of Wisconsin.
3. At all times relevant herein, Pearson was working as a trained practical nurse at Superior Memorial Hospital in Superior, Wisconsin.
4. On an exact date unknown, but beginning the last week of February 1981 and continuing on through March 18, 1981, Pearson diverted at least the following quantities of drugs from Superior Memorial Hospital:
 - a. Ten (10) 100 vials of 100 mg. injectable of Demerol (meperidine HCl).

- b. Eight (8) 75 mg. injectable vials of Demerol (meperidine HCl).
- c. Six (6) vials of 50 mg. injectable of Demerol (meperidine HCl).

5. Pearson injected the drugs referred to in paragraph 4 above intramuscularly while she was on duty at Superior Memorial Hospital.

6. Pearson diverted the drugs referred to in paragraph 4 above from the pediatric and coronary care unit at Superior Memorial Hospital. Pearson attempted to cover her diversion of these drugs by falsely charting the amounts she diverted as being given to patients assigned to her care in some instances, and in other instances, by tampering with the vials of Demerol and replacing them in the storage units at the hospital.

7. On July 15, 1982 the examiner received a letter from Pearson dated July 9, 1982, in which Pearson stated, in part: "The complaint against me is correct." A copy of the letter is attached hereto.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07(1).

2. Pearson's conduct, as described in paragraphs 4, 5, and 6 of the Findings of Fact, constitute grounds for disciplinary action pursuant to Wis. Stats. sec. 441.07(1)(c) and (d), and Wis. Adm. Code sec. N.11.03(3)(b) and (c), and N11.04(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the right of MADALYNN ANN PEARSON to renew her license as a trained practical nurse in the State of Wisconsin, license #9609, shall be and hereby is LIMITED as follows:

1. In the event Ms. Pearson applies for renewal of her license to practice as a trained practical nurse in the State of Wisconsin, such renewal shall be granted if she demonstrates to the satisfaction of the Board of Nursing that she is fit to practice as a trained practical nurse.

2. In the event Ms. Pearson's application for renewal is granted pursuant to paragraph 1 above, the license shall be suspended for a period of one year, said suspension being stayed pending the successful completion of the period of license limitation outlined in paragraph 3 below. The period of license limitation shall commence upon any action on the part of Ms. Pearson under color of her Wisconsin licensure.

3. In the event Ms. Pearson's application for renewal is granted pursuant to paragraph 1 above, her license shall be limited for a period of two years upon such terms and conditions as the Board of Nursing deems appropriate, including but not necessarily limited to the following:

- a. Ms. Pearson must remain free of unprescribed controlled substances during the period of limitation.

- b. Ms. Pearson must participate in a program of witnessed random monitoring, on a weekly basis, for controlled substances in her blood and/or urine.

Ms. Pearson will be responsible for obtaining the monitoring facility and reporting system acceptable to the Board, and is responsible for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility must agree to provide random, monitored gathering of specimens for evaluation. It must further agree to file an immediate report with the Bureau of Nursing if Ms. Pearson fails to appear upon request, or if a drug screen proves positive, or if she refuses to give a specimen for analysis upon the request of the monitoring facility.

- c. Ms. Pearson must notify the Board fifteen (15) days in advance of her returning to employment in a nursing capacity. This notice must include the details of the monitoring system Ms. Pearson proposes to satisfy the requirements of paragraph 3b., above.
- d. Ms. Pearson must arrange for written quarterly reports to the Bureau of Nursing from her employer evaluating her work performance.
- e. Violation of any of the terms of limitation may result in summary suspension of licensure, imposition of the stayed portion of the discipline imposed in this action, and/or the imposition of additional discipline.
- f. Ms. Pearson may petition the Board at any time during the limitation period to revise or eliminate any of the above conditions.

OPINION

The respondent, Madalynn Ann Pearson, was charged with diverting Demerol while working as a trained practical nurse at the Superior Memorial Hospital in Superior, Wisconsin, and injecting the substance intramuscularly while she was on duty. The allegations further charge that Ms. Pearson attempted to conceal her diversion of Demerol by falsely charting the amounts diverted as having been given to patients in some instances, and on other occasions tampering with the vials of Demerol and replacing them in the storage units at the hospital. Although Ms. Pearson did not appear at the evidentiary hearing held, she did submit a letter to the examiner in which she admitted the truth of these allegations.

The only issue in this case is the appropriate discipline, if any, to be levied by the Wisconsin Board of Nursing due to the conduct of Ms. Pearson. As of the date of the hearing in this matter, Ms. Pearson had not renewed her license to practice as a trained practical nurse. The order proposed herein, which is basically that recommended by complainant's attorney, will

serve to provide the board with an opportunity to assess Ms. Pearson's current fitness to practice in the interest of the public if she applies for renewal. Furthermore, if such renewal application is granted, the proposed limitations on Ms. Pearson's license would be consistent with the manner of approach taken by the board in past cases of this nature.

Dated at Madison, Wisconsin this 25th day of October, 1982.

Respectfully submitted,

Donald R. Rittel
Donald R. Rittel
Hearing Examiner

DRR:lb
086-802

July 9, 1982

Donald R. Rittel,

Mr Rittel,

FILED
7/15/82 DRR
Dept. of Reg. & Lic.
Hearing Examiner

This letter is informal, I have not retained an attorney. because, quite frankly I cannot afford one.

The complaint against me is correct the only thing in my favor is that I turned myself in to Mrs. Schultz voluntarily.

I hope not to loose my licence. Although I do not plan to seek employment. I have not worked for 1 1/2 years and have learned to live within my husband's salary and do enjoy being a full time mother.

One month ago I had oral surgery, had pain pills ordered and did not abuse them. This is the only medication I have taken, except Blood Pressure pills, for 1 1/2 years.

I can offer no excuses and only say that I'm sorry for what I did and will never put myself in such a position again.

Madalynn A. Pearson TPN
5423 Cummings
Superior, W. 54880