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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

FILE COPY

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RUTH ANNE PRESTON, T.P.N.
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001640

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

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

IT IS ORDERED that the license of RUTH ANNE PRESTON to practice as a trained practical nurse (#18902), shall be and hereby is SUSPENDED for THIRTY (30) DAYS, the suspension to be effective 30 days following the final decision of the Board of Nursing.

FURTHERMORE, IT IS ORDERED that upon completion of the suspension period set forth above, the license of Preston shall be reinstated as a limited license with the following conditions imposed for a period of one year:

1. In the event Preston desires to change her employment such as to be employed by another general practitioner, Preston shall submit written notification to the board at least five days prior to such change in employment.
2. In the event Preston desires to become employed in an institutional setting, she shall notify the board in writing of such desire. The board may permit Preston to be employed in such an institutionalized setting upon such terms and conditions as the board may deem appropriate.
3. Preston shall submit written reports from her employer which evaluate her work performance. Such reports shall be submitted every three months, the first being due four months after the date of the final decision of the board.
4. If the board finds based on the evidence filed under paragraph 1-3, that she is not competent to practice nursing, or has otherwise failed to comply with the Order, the board may extend the period of limitation beyond 1 year or impose further discipline.

The board believes the previous Order did not adequately specify the minimum duration of the limited license as a period of one year. In addition, the board believes the substitution of the new paragraph 4 of the Order allows the board to take appropriate action to extend the period of limitation or to impose further discipline if the information filed under paragraphs 1-3 of the Order results in the board finding Preston to be not competent to practice

nursing or to have failed to comply with the Board Order.

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 Ruth Anne Preston.

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 16~~th~~ day of August, 1982.

Marjorie Lundquist RN
Marjorie Lundquist, R.N., Chairperson
State of Wisconsin Board of Nursing

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	PROPOSED DECISION
RUTH ANNE PRESTON, T.P.N.,	:	
RESPONDENT	:	

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

Ruth Anne Preston
Route #4, Box 22
Eau Claire, Wisconsin 54701

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 May 14, 1982.
The respondent, Ruth Anne Preston, appeared personally and by her attorney,
Dennis M. Sullivan. The complainant appeared by attorney Steven M.
Gloe.

Based upon the record herein, 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. Ruth Anne Preston (Preston) is duly licensed as a trained
practical nurse in the State of Wisconsin (license #18902). Her license
was issued on June 3, 1977.

2. From March 14, 1977 to October 4, 1980, Preston worked as a
practical nurse at St. Joseph's Hospital, in Chippewa Falls, Wisconsin.

3. Preston's duties at St. Joseph's included passing medications
in accord with medical orders. Upon occasion Preston had the additional
duty of obtaining personal prescription supplies from newly admitted
patients and turning them in to the nursing desk for storage during the
patient's hospital stay.

2. The conduct of Preston, as set forth in the Findings of Fact, is grounds for disciplinary action against her license to practice practical nursing in the State of Wisconsin, pursuant to Wis. Stats. secs. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N 11.03(1)(c), 11.03(3)(b), (c) and (g), and N 11.04(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of RUTH ANNE PRESTON to practice as a trained practical nurse (#18902), shall be and hereby is SUSPENDED for THIRTY (30) DAYS, the suspension to be effective 30 days following the final decision of the Board of Nursing.

FURTHERMORE, IT IS ORDERED that upon completion of the suspension period set forth above, the license of Preston shall be reinstated with the following LIMITATIONS imposed thereon:

1. In the event Preston desires to change her employment such as to be employed by another general practitioner, Preston shall submit written notification to the board at least five days prior to such change in employment.

2. In the event Preston desires to become employed in an institutional setting, she shall notify the board in writing of such desire. The board may permit Preston to be employed in such an institutionalized setting upon such terms and conditions as the board may deem appropriate.

3. Preston shall submit written reports from her employer which evaluate her work performance. Such reports shall be submitted every three months, the first being due four months after the date of the final decision of the board.

4. Preston may petition the board for removal of any or all of the foregoing limitations upon her license at any time after one year following the effective date of such limitations.

OPINION

The respondent, Ruth Anne Preston, admitted improperly obtaining various amounts of prescription drugs and diverting Coumadin for personal use from patient prescription supplies. Preston also admitted falsely charting those medications diverted from patient supplies as having been given to the patient.

Based upon these admissions, the primary issue in this case is the appropriate discipline, if any, to be imposed upon the license of Ms. Preston to act as a trained practical nurse. The limitations set forth in the proposed order were agreed to, in substance, by the parties at the hearing. These limitations should serve to adequately gauge the work performance of Ms. Preston to guard against a recurrence of the violations found here. The board also would retain control over the institutional setting in which she may practice, thereby safeguarding the public interest via a monitoring role.

4. On exact dates unknown, but some time during the fall of 1980, Preston diverted Coumadin for her personal use. She obtained Coumadin in part from personal patient prescription supplies as referred to in paragraph 3 above, and in part from medications obtained by Preston to administer to patients as per medical orders. In the latter instances, Preston falsely charted the medications she so obtained as having been provided to the patient.

5. In addition, Preston improperly obtained undetermined amounts of the following prescription-only drugs:

- a. Lasix;
- b. Tylox;
- c. Dalmane (schedule IV);
- d. Valium (schedule IV); and
- e. Percodan (schedule II).

6. Coumadin is an anticoagulant used to reduce the likelihood of strokes in high risk patients. Coumadin is a prescription-only drug.

7. Preston self-administered doses of Coumadin, although she had no prescription and no medical need for this drug.

8. On October 4, 1980, Preston was taken to the emergency room of St. Joseph's Hospital with symptoms which were eventually diagnosed as "intentional Coumadin overdose with resultant genitourinary bleeding."

9. Preston performed services as a trained practical nurse competently during her employment with St. Joseph's Hospital. She is currently employed as an office nurse by a general practitioner, Dr. Charles A. Kemper, at 727 Maple Street, Chippewa Falls, Wisconsin.

10. On or about February 4, 1982, Dr. M. S. Taman prepared a psychiatric evaluation of Preston. In that report (attached hereto), Dr. Taman stated in part, as follows:

"DIAGNOSTIC IMPRESSION: I would consider the episode in 1980 as an adjustment disorder with expressed mood. I also feel that this woman has, what could be described as, a mixed personality disorder with avoidant dependent characteristics.

"In my view, I see Ms. Preston, at this time, as stable and I view the episode of 1980 as an isolated factitial behavior. There is no history prior to this or after that, of similar nature. At this time, it seems that her life is in order and she is fairly realistic about the expectations about herself and others. I see no reason that Ms. Preston could not return to her LPN occupation and I believe that she has, at least, intellectual insight to seek help if that becomes needed in the future."

CONCLUSIONS OF LAW

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

From the disciplinary aspect, the parties disagree as to whether or not a short suspension of Ms. Preston's license is necessary or appropriate. The state's attorney recommended a sixty day suspension in view of the need to deter other licensees from engaging in similar conduct. Respondent's attorney argued that no suspension should be imposed due to the unlikelihood of a recurrence of the violations, and since Ms. Preston has now "gotten her life back together" subsequent to the 1980 incidents.

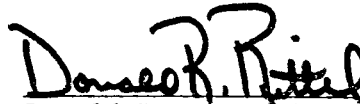
In determining whether or not a suspension should be imposed in this case, in addition to the limitations, it must be recognized that the interrelated purposes for applying disciplinary measures are 1) to promote the rehabilitation of the licensee; 2) to protect the public; and 3) to deter other licensees from engaging in similar conduct. State v. Aldrich, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. State v. MacIntyre, 41 Wis. 2d 481 (1969).

In weighing the various arguments for and against the imposition of a suspension in this case, it is the opinion of the examiner that a thirty day suspension is appropriate. Although no evidence was submitted which established that any harm accrued to patients due to Ms. Preston's diversion of Coumadin, it is clear that diverting Coumadin (stroke prevention medication) could have resulted in dire consequences. This diversion was compounded by the additional false charting of the medications as having been given to the patients. The risk to which patients were subjected by Ms. Preston's actions compel the conclusion that a suspension is necessary from the public protection standpoint. Furthermore, it is my opinion, that such conduct requires a suspension in order to deter other licensees from engaging in similar conduct. The Board of Nursing must serve notice upon its licensees that the diversion of patients' medications and false charting will result in strict sanctions.

The examiner has recommended a one month suspension in this case. A lengthier period of suspension might unduly augment against the progress made by Ms. Preston in dealing with her personal problems and reintegrating herself back into the practice of nursing. I believe this discipline, as combined with the limitations recommended, will be adequately protective of the public and of deterrence value to other licensees, while also serving to promote the rehabilitation of the licensee.

Dated at Madison, Wisconsin this 30th day of June, 1982.

Respectfully submitted,



Donald R. Ritter
Hearing Examiner

RUTH PRESTON

Psychiatric Evaluation: M. S. Taman, M.D.

2-4-82

IDENTIFICATION: Ruth is a 34 year old white, single woman who is self-referred for evaluation of her present condition. The reason she gave was that she is in legal difficulty regarding her license, that the Department of Nursing Regulation is investigating/^{regarding} the feasibility of continuing her license as a Licensed Practical Nurse, at this time.

PRESENT HISTORY: The history indicates that in October, 1980, this woman was hospitalized at St. Joseph's Hospital for gross Hematuria and the workup at that time indicated self-medication. Ruth, herself, said that she had used Coumadin knowing quite well that it would induce bruises. Apparently, also she had abused some other drugs around that time including Valium and Dalmane Cafergot and others. Ruth maintained that she was going through a difficult period in her life. She said she lost two friends around that time. One of them, particularly, she was very close to. The loss was in the form distancing on the part of the girlfriend, to whom she was very close. She said that they had been together everywhere, travelling overseas and meeting weekly and doing a number of things together. She considered her her best friend at the time. She also said that her dog, which she had for six years, died. To her, this has been a tremendous blow as she had prided herself with the dog. She also maintained that she had a number of pressures at work and felt she is unable to cope. She believed that if she would use a drug like Coumadin then the people would notice the bruises, as she had witnessed at the previous occasion, on a patient in the Hospital she took care of.

Following her intensive care treatment at St. Joseph's Hospital, Ruth was referred to Dr. Lorenz, a Psychiatrist in Eau Claire and from there she was admitted to St. Mary's Open Psychiatric Unit at St. Mary's Hospital, where she received individual and group therapy for about three weeks which was followed by an outpatient individual therapy in Eau Claire for another three months. In the last six months, however, she worked part-time in a Physician's Office.

PAST HISTORY: Ruth is the middle of five children. She had grown up on a farm, in what she described as a close family. She enjoyed her country school. She became fascinated with 4-H in fact, was given a VISA Volunteer job after high school in Rhode Island for six months, was given an award from the 4-H to go to Peru, where worked for six months. She attempted college for 2½ years. She finally finished her LPN Degree in Milwaukee and had worked at St. Joseph's Hospital for four years. She had been single and she seemed to enjoy that.

Ruth gave a history of migraines for fifteen years, which has been treated off and on and at one ^{time} she was given Dilantin for that. She also had a history of Endometriosis for which she had a hysterectomy at the age of 24. When she was 20 years of age, she had been involved in a car accident which was followed by severe depression and, according to her, she ended up in a Psychiatric Unit in Eau Claire for six weeks and was transferred to Mendota for two weeks. She described this period as a very painful experience in her life. Ruth denied any use or abuse of alcohol or drugs except on that particular occasion in 1980 where she had used and abused whatever drugs she could get for two or three months. At this time, Ruth described herself as a happy person who enjoyed new friends. She is a member of 4-H Club. She has a Hobby Farm. She raises rabbits and other small animals. She is involved in shows and maintained that she had gained lots of insight following her therapy in Rochester and Eau Claire.

Respondent's
Exhibit B
11/3/82 DRR

RUTH PRESTON

Psychiatric Evaluation: M. S. Taman, M.D.

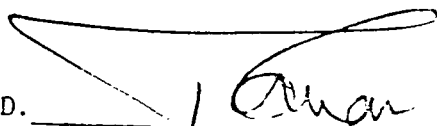
2-4-82 - Page 2

In the interview, Ruth appeared a fairly healthy young woman who was alert and attentive. She gave a fair history about herself. She was somewhat bitter and angry about what she is going through from the legal point of view. It was difficult for her to recall the events as described above. She was tearful about that. She, in fact, expressed a lot of depression, anger, and hurt feelings. There was an expression of shame about her behavior at that time and the extreme degrees of attention seeking behavior, which happened around October, 1980. She was, however, generally guarded and tended to minimize her faults in a rather rigid way with a tendency to overcompensate her feelings of inadequacy. She probably has a difficult time expressing hostility and some periodic weakness of her internal control may result in impulsive behavior. Her frustration tolerance tends to be limited. She seemed to have appropriate amounts of energy and relates realistically at this time. She seemed to have more insight into herself and her behavior despite some difficulty in close interpersonal relationships. I did not see any signs of organic impairment. Her thoughts were coherent and relevant. There were no perceptual difficulties and her intellectual ability is probably above average. Her problem solving ability and judgement at this time is considered within normal limits.

DIAGNOSTIC IMPRESSION: I would consider the episode in 1980 as an adjustment disorder with depressed mood. I also feel that this woman has, what could be described as, a mixed personality disorder with avoidant dependent characteristics.

In my view, I see Ms. Preston, at this time, as stable and I view the episode of 1980 as an isolated factitious behavior. There is no history prior to this or after that, of similar nature. At this time, it seems that her life is in order and she is fairly realistic about the expectations about herself and others. I see no reason that Ms. Preston could not return to her LPN occupation and I believe that she has, at least, intellectual insight to seek help if that becomes needed in the future.

M. S. TAMAN, M.D.





State of Wisconsin

DEPARTMENT OF REGULATION & LICENSING

Lee Sherman Dreyfus
Governor

Sue Ann Kaestner
Secretary

August 18, 1982

1400 E. WASHINGTON AVENUE
P.O. Box 8936
MADISON, WISCONSIN 53708
608 266-2112

Ms. Ruth Anne Preston
Rt. #4, Box 22
Eau Claire, WI 54701

RE: In the Matter of the Disciplinary
Proceedings Against Ruth Anne
Preston, L.P.N.

Dear Ms. Preston:

On July 29, 1982, the Wisconsin Board of Nursing took action to adopt the Findings of Fact and Conclusions of Law contained in the Proposed Decision of the hearing examiner. The Board modified the Proposed Order regarding paragraph four (4). This action suspends your license as a trained practical nurse for thirty (30) days effective September 16, 1982. Upon reinstatement of your license on October 16, 1982, your license will be limited for one (1) year with the conditions imposed under paragraphs one through four (1-4) of the Final Decision and Order.

We are enclosing a copy of the Final Decision and Order, along with the attached Proposed Decision. In rendering its decision the Board did consider the Objections to the Proposed Decision filed by your Attorney, Dennis M. Sullivan.

Please return your renewal card to this office by September 16, 1982. It will be returned to you at the end of the suspension with an indication that it is limited.

If you have any questions, please contact Katie Kyndely, Nursing Education Consultant, Bureau of Nursing, at (608) 266-0072 or the above address.

Sincerely,

BUREAU OF NURSING

Paula R. Bossin
Paula R. Bossin
Director

PRP:pmh

Encls:

cc: Mr. Dennis M. Sullivan, Attorney
Mr. Steven M. Gloe, Attorney