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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SARAH G. ALLMAN, T.P.N.,
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001647

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 Sarah G. Allman.

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 30th day of July, 1982.

Margaret Lundquist RN

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

SARAH G. ALLMAN, T.P.N., :
RESPONDENT :

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

Sarah G. Allman
1212 Oak Valley Drive
Seffner, Florida 33584

and

32 North Peach Street
Medford, Oregon 97501

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 24, 1982 at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for the complainant was Attorney Michael J. Berndt, Department of Regulation and Licensing, Division of Enforcement. 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 the following Findings of Fact, Conclusions of Law, and Order as its final decision.

FINDINGS OF FACT

1. Sarah G. Allman, hereafter called the respondent, was at all times material to this proceeding duly licensed under the provisions of Chapter 441 of the Wisconsin Statutes to practice as a trained practical nurse in the State of Wisconsin.

2. Respondent's trained practical nurse license is number 21287 and was granted on May 18, 1979.

3. Respondent's last reported address on file with the Board of Nursing is 32 North Peach Street, Medford, Oregon 97501.

4. Service of the Notice of Hearing and Complaint in this matter was made by certified mail to respondent on March 29, 1982. Respondent did not appear at the hearing held on May 24, 1982.

5. On April 12, 1982 the Hearing Examiner received a letter from respondent, wherein she indicated her current residence to be 1212 Oak Valley Drive, Seffner, Florida 33584. In her letter, respondent stated in part:

"The charges brought against me took place in the State of Oregon where for a one month period I did self administer unauthorized controlled substances. This was not a long standing practice by me, but did take place several times during the month of December, 1981."

6. On January 21, 1982 the Board of Nursing of the State of Oregon suspended respondent's license to practice nursing in that state and entered the following order:

"Sarah Grace Allman is suspended from the practice of nursing for one year, beginning January 21, 1982 and ending January 21, 1983 on the condition that Respondent apply to the Board Office for reinstatement of license and demonstrates the ability to comply with the following terms and conditions of probation which shall begin with reissuance of license and conclude two years thereafter.

- "1. Respondent shall not violate Chapter 678 or the rules adopted thereon.
- "2. Respondent agrees to notify the Board in writing of any changes in address or employment.
- "3. Respondent agrees to report to the Board of Nursing in writing every three months throughout the suspension and probationary periods.
- "4. Respondent agrees to participate in psychotherapy as prescribed by a therapist; a report will be sent to the Board on completion of suspension and progress reports submitted every three months, during probation period, as indicated.
- "5. Respondent shall only practice in a nurse setting where the Director of Nursing will agree to submit written evaluations of work performance to the Board every three months.
- "6. Respondent agrees that she may not be employed as a Certified Nursing Assistant or a Home Health Aide during the suspension period.

"Respondent, at any time during the period of suspension and probation, shall fully cooperate with the Board or its authorized agents in their supervision and investigation of compliance with the terms of probation and suspension. When requested, Respondent will submit of personal belongings and tests to detect the presence of controlled substances."

7. The suspension and probation of respondent by the State of Oregon, above-described, was based upon a Stipulation in which respondent admitted that during the month of December, 1981, at Rogue Valley Memorial Hospital, Medford, Oregon, she obtained and self-administered unauthorized controlled substances, Demerol and Morphine.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07.
2. Respondent did not appear at the hearing in this matter and is, therefore, in default pursuant to Wis. Adm. Code sec. RL 2.14.
3. Having a nursing license suspended by the State of Oregon constitutes moral delinquency and unprofessional conduct under Wis. Adm. Code secs. N 11.03(3)(d) and N 11.04(1), thereby authorizing the Board of Nursing to take disciplinary action under Wis. Stats. sec. 441.07.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of SARAH G. ALLMAN to practice as a trained practical nurse in the State of Wisconsin (#21287), shall be and hereby is REVOKED, effective ten days following the date of the final decision of the Board of Nursing.

FURTHERMORE, IT IS HEREBY ORDERED that Sarah G. Allman may reapply for a license as a trained practical nurse at any time subsequent to one (1) year following the effective date of the final decision of the Board of Nursing. Upon such application, the license of Sarah G. Allman may be reinstated. [Wis. Stats. sec. 447.07(2)].

OPINION

The respondent, Sarah G. Allman, was suspended for a period of one year and placed upon probation for the following two years by the Board of Nursing of the State of Oregon on January 21, 1982. Oregon's action was based upon Ms. Allman's admission that she had improperly obtained and self-administered Demerol and Morphine at a hospital during the month of December 1981. The only issue in this case is the appropriate discipline, if any, to be levied by the Wisconsin Board of Nursing due to the disciplinary action taken against Ms. Allman's nursing license in Oregon. The serious nature of Ms. Allman's conduct in Oregon requires that discipline be imposed in the public interest.

Great weight should be given the decision of the Oregon board in determining the sanction appropriate in this proceeding. This is due to the Oregon board's close proximity to, and apparent continued monitoring of, the conduct of Ms. Allman which constitutes the underlying facts in this proceeding. The Oregon board suspended Ms. Allman's nursing license for one year and placed her on probation for a subsequent two year period with certain terms and conditions. These included 1) reporting to the Oregon board in writing every three months throughout the suspension and probationary period and 2) participating in psychotherapy and providing a report on the progress of such treatment at the end of the suspension and every three months during probation.

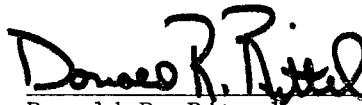
The state's attorney recommended that Ms. Allman's license be revoked by the Wisconsin Board of Nursing in view of the foregoing action of the Oregon board. Wis. Stats. sec. 441.07(2) provides as follows:

"A certificate or license revoked may, after one year, upon application be reinstated by the board."

The foregoing statute, as applied to a revocation of Ms. Allman's license, would act to prohibit her from practicing nursing in this state for a period of at least one year (which is equivalent to the one year suspension imposed by the Oregon board). It would further permit Ms. Allman to apply for reinstatement at the end of that year, at which time the board could assess her current rehabilitation and ability to practice in the best interest of the public. This assessment would be made in large part by reviewing her compliance with the above conditions ordered by the Oregon board. Ms. Allman's failure to appear in this proceeding has severely restricted the board's inquiry into the facts underlying her violation of the Oregon licensing statutes and prevents the board from ascertaining at this time the likelihood success of her psychotherapy. Accordingly, a revocation is recommended in this case in view of the action taken by the Oregon board and the need for this board to acquire further information in the public interest prior to permitting Ms. Allman to again practice in this state.

Dated at Madison, Wisconsin this 12th day of July, 1982.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

DRR:ket
629-947