

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARGARET RUTH JACKSON, R.N.,
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001697

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 Margaret Ruth Jackson.

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 20 day of May, 1982.

Margorie Lindquist RN

pc017-552

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	PROPOSED DECISION
MARGARET RUTH JACKSON, R.N.,	:	
RESPONDENT.	:	

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

Margaret Ruth Jackson
309 Weston Avenue
Wausau, Wisconsin 54401
-and-
7450 East Monticello
Tucson, Arizona 95710

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

A hearing was held in the above-captioned matter on March 17, 1982 in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, commencing at 9:30 a.m. Appearing at the hearing for the complainant was Attorney Steven M. Gloe, Department of Regulation and Licensing, Division of Enforcement. The respondent, Margaret Ruth Jackson, did not appear at the hearing in person or by any representative.

Based upon the evidence in the record and the Complaint on file 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. Margaret Ruth Jackson, R.N., (Jackson) is duly licensed as a registered nurse in the State of Wisconsin (license #31162). Jackson's license was issued on September 17, 1976.

JURISDICTION

2. Service of the Notice of Hearing and Complaint in this matter was attempted upon Jackson by certified mail sent to 309 Weston Avenue, Wausau, Wisconsin 54401. This address is that on file for Jackson with the Board of Nursing. The Notice of Hearing and Complaint mailed to Jackson was returned, the envelope being stamped "MOVED, LEFT NO ADDRESS".

3. Service of the Notice of Hearing and Complaint in this matter was attempted upon Jackson by certified mail sent to 7450 East Monticello, Tucson, Arizona 95710. This address for Jackson was provided by the National Council for the State Boards of Nursing. The Notice of Hearing and Complaint mailed to Jackson was returned, the envelope being stamped "UNCLAIMED".

4. Service of the Notice of Hearing and Complaint in this matter was attempted upon Jackson by certified mail sent to 610 North Ringold, Janesville, Wisconsin 53545. This address for a "Margaret R. Jackson" was provided by the Wisconsin Motor Vehicle Department. A return receipt for the Notice of Hearing and Complaint was received and filed by the Hearing Examiner. The return receipt bears the signature "Margaret Jackson". However, the "Margaret Jackson" who signed the return receipt for delivery of the Notice of Hearing and Complaint at 610 North Ringold, Janesville, Wisconsin 53545 is not the same "Margaret Ruth Jackson", respondent herein.

5. Jackson did not appear at the evidentiary hearing held on March 17, 1982, nor did anyone appear to represent her.

6. Complainant's representatives have made a reasonable and diligent search for Jackson's current address, without success.

CONDUCT

7. Jackson was licensed as a registered nurse in the State of Arizona (license #16020).

8. On November 12, 1980, Jackson's license to practice as a registered nurse in Arizona was suspended for one year, to be followed by a one-year probationary period. This action was taken pursuant to Jackson's admission of facts and waiver of hearing. Jackson admitted working while under the influence of alcohol and in a condition that was unsafe for nursing duty.

9. On April 2, 1981, the Arizona State Board of Nursing summarily revoked Jackson's license. The Arizona Board based the revocation upon Jackson's failure to comply with the terms and conditions of its September 12, 1980 suspension order in that Jackson had failed to attend after-care sessions at an alcoholic treatment facility and had failed to submit progress reports from herself and her counselor.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Adm. Code sec. RL 2.08(1) and Wis. Stats. sec. 441.07.

2. Jackson did not file an Answer to the Complaint as required by Wis. Adm. Code sec. RL 2.09, or appear at the evidentiary hearing, and is therefore in default pursuant to Wis. Adm. Code sec. RL 2.14.

3. Jackson's conduct, as described in paragraphs 8 and 9 of the Findings of Fact, constitutes grounds for the reprimand of Jackson, or the suspension, limitation or revocation of her license, pursuant to Wis. Stats. sec. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N 11.03(3)(d) and N 11.04(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of MARGARET RUTH JACKSON to practice as a registered nurse in the State of Wisconsin (license #31162), shall be and hereby is REVOKED; effective five (5) days following the date of the final decision rendered by the Board of Nursing.

OPINION

The license of Margaret Ruth Jackson to practice as a professional nurse in the State of Arizona was suspended for a period of one year on November 12, 1980, to be followed by a one year probationary period. The suspension was based upon the fact that Jackson admitted working while under the influence of alcoholic beverages, which condition made her unsafe for performing nursing duties. Jackson further admitted that she "had a problem with alcohol". Based upon Jackson's admissions, the State of Arizona further ordered that during her period of suspension,

"...Jackson must continue to regularly attend After Care Meetings at the Haven (a recovery home for women alcoholics) and must submit progress reports to the Board from her counselor and herself in January, 1981, May, 1981 and September, 1981." (See, Exhibit #1, pp. 2-3)

On April 2, 1981 the Arizona Board summarily revoked Jackson's license to practice professional nursing, due to her failure to attend the After Care Meetings or to submit the progress report due January, 1981, contrary to the requirements of the Arizona Board's order quoted above.

Initially, it should be noted that acts which demonstrate a nurse to be unfit or incompetent by reason of drunkenness, abuse of alcohol, or moral delinquency are grounds for disciplinary action under Wis. Stats. sec. 441.07(1)(c). Also, having a nursing license revoked or suspended in another jurisdiction constitutes "moral delinquency" within the meaning of Wis. Adm. Code sec. N 11.03(3)(d). Finally, engaging in acts of moral delinquency is proof of unprofessional conduct pursuant to Wis. Adm. Code sec. N 11.04(1) and Wis. Stats. sec. 441.07(1)(d). The conduct of Jackson in Arizona clearly constitutes violations of the foregoing statutes and rules administered and enforced by the Board of Nursing.

The issue here is the appropriate discipline, if any, to be imposed upon Jackson given the facts and circumstances surrounding the actions taken by the Arizona Board in regard to her licensure in that state. The serious nature of her conduct, combined with Jackson's failure to comply with the terms of the Arizona Board's order, indicate that a revocation of Jackson's license is necessary. Given the actions of Jackson in the State of Arizona, the Wisconsin Board of Nursing must have an opportunity to fully evaluate her ability to provide nursing services with safety to the citizens of this state prior to allowing her to engage in such practice. This proceeding has not provided the Board with such an opportunity. Accordingly, appropriate limitations on the license of Jackson cannot be sufficiently scrutinized. Likewise, a suspension for a determinate period of time does not adequately protect the public interest.

Wis. Stats. sec. 441.07(2), provides that a "...license revoked may, after one year, upon application be reinstated by the board." The recommended revocation gives recognition to the one year suspension levied by the Arizona Board. The Arizona decision should be given considerable weight in determining the appropriate sanction to be imposed in this proceeding due to the Arizona Board's close proximity to the conduct of Jackson which constitutes the underlying facts in this case. Furthermore, the Wisconsin Board of Nursing must be given an opportunity for inquiry of Jackson in the event she desires to practice in this state in the future. Only a revocation, which provides for the Board's exercise of its discretion in determining whether or not to reinstate Jackson's license after one year, provides the Board with that opportunity.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel
Hearing Examiner



State of Wisconsin

DEPARTMENT OF REGULATION & LICENSING

Lee Sherman Dreyfus
Governor

Ann Jansen Haney
Secretary

1400 E. WASHINGTON AVENUE
MADISON, WISCONSIN 53702
(Enter at 77 North Dickinson Street)

MAILING ADDRESS
P.O. Box 8936
MADISON, WISCONSIN 53708

May 24, 1982

Ms. Margaret Jackson
309 Weston Avenue
Wausau, WI 54401

RE: In the Matter of the Disciplinary Proceedings
Against Margaret Jackson

Dear Ms. Jackson:

On May 20, 1982, the Wisconsin Board of Nursing took action to accept the Findings of Fact, Conclusions of Law and Order in the above matter. This action revokes your certificate as a registered nurse.

We are enclosing a copy of the Final Order for your review.

We are enclosing a copy of the Nurse Practice Act with s. 441.07 Revocation (2) specifically marked. You will note that you may apply to the Board for reinstatement of your certificate after one year.

If you have any questions, please contact us.

Sincerely,

BUREAU OF NURSING

Paula R. Possin
Paula R. Possin
Director

PRP/ms
Encl.

cc: Steven Gloe, Attorney