

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

FRANCES A. KETTELSON,
RESPONDENT

FINAL DECISION
AND ORDER

ORDER 0001698

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 Frances A. Kettelson.

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 23 day of September, 1982.

Margaret Lundquist RN

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

FRANCES A. KETTELSON, :
RESPONDENT. :

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

Frances A. Kettelson
Route #3
Westby, Wisconsin 54667

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

The examiner has received a Stipulation executed by the respondent, Frances A. Kettelson, and by complainant's attorney, Michael J. Berndt. A copy of the Stipulation is attached hereto.

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

FINDINGS OF FACT

1. That Frances A. Kettelson, hereinafter called the Respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 441, Wisconsin Statutes, to practice as a registered nurse in the State of Wisconsin.

2. That the Respondent's registered nurse license is number 31613, issued on June 22, 1956.

3. That the Respondent's address is Route #3, Westby, Wisconsin 54667.

4. That from October, 1980 through October, 1981, the Respondent was employed as a registered nurse at The Bethel Home, 614 South Rock Avenue, Viroqua, Wisconsin.

5. That from October, 1980 through October, 1981, while working as a registered nurse at The Bethel Home, the Respondent converted to her own use and ingested patient medications.

6. That patient medications were converted and ingested by the Respondent while on duty at The Bethel Home approximately once each day the Respondent worked at said home.

7. That the medications converted and ingested were Valium, a.k.a. diazepam, a Schedule IV controlled substance and Darvon, a.k.a. propoxyphene hydrochloride, a Schedule IV controlled substance.

8. That said medications were not charted as having been given to the patients involved.

9. That the purpose of the diversion was the Respondent's private use and the motive was the relief of psychological or physical stress.

10. That the Respondent was suspended from her employment at The Bethel Home in October, 1981.

11. That on June 25, 1982, the Respondent returned to work part-time at The Bethel Home under the conditions set forth in Exhibit A.

12. That attached as Exhibits B and C are letters describing the Respondent's rehabilitative efforts.

CONCLUSIONS OF LAW

1. That converting and ingesting controlled substances as described above constitute moral delinquency and unprofessional conduct as defined by Wisconsin Administrative Code sections N 11.03(3)(b) and N 11.04(1).

2. That pursuant to section 441.07, Wisconsin Statutes, moral delinquency and unprofessional conduct constitute bases for the Board to take disciplinary action against the Respondent.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the license to practice registered nursing of the Respondent, Frances A. Kettelson, shall be and hereby is suspended for a period of twelve months. Said suspension is hereby stayed.

IT IS FURTHER ORDERED, that the license to practice as a registered nurse of the Respondent be LIMITED for a period of two years, commencing on the date of the Board's final order in this matter. The limitations are as follows:

- a. The Respondent must inform current or prospective employers of her history of drug abuse.
- b. The Respondent must inform the Board of Nursing of any change in her employment status within five days of such change.

- c. The Respondent shall not consume any unprescribed controlled substances.
- d. The Respondent shall successfully complete her out-patient program of drug counseling.
- e. The Respondent shall submit to a monitoring program headed by a supervising therapist of random and witnessed samplings of her blood and/or urine for the presence of unprescribed controlled substances. The Respondent shall be responsible for obtaining a program acceptable to the Board and for all costs associated with the program.
- f. The Respondent shall cause the supervising therapist to file quarterly reports with the Board addressing the Respondent's status in the program. All positive drug screens and all failures to meet conditions of the program shall be reported immediately and said reports shall contain a recommendation as to whether further disciplinary action is required by the Board.
- g. The Respondent shall cause her work supervisor to send written quarterly reports to the Board evaluating the Respondent's work performance.
- h. The Respondent may petition the Board at any time during the period of limitation to revise or eliminate any or all of the above conditions.
- i. Violation of any of the terms of the limited license may result in a summary suspension of the license, imposition of the stayed suspension, and any additional discipline the Board believes is warranted based upon the new violation.

[If any term of this Proposed Decision is not adopted by the Board of Nursing, then no term or condition of the attached Stipulation, upon which this Proposed Decision is based, shall be binding in any manner upon any party (Wis. Adm. Code sec. RL 2.12), and the matter shall be remanded to the examiner for further proceedings.]

Dated at Madison, Wisconsin this 31st day of August, 1982.



Donald R. Rittel
Hearing Examiner

DRR:mda
632-486

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FRANCES A. KETTELSON,
RESPONDENT.

:
:
:
:
:
:
STIPULATION

The parties agree and stipulate as follows:

1. That the Respondent waives her right to a public hearing in this matter;
2. That the Complainant and the Respondent urge the Hearing Examiner and the Board of Nursing to adopt this Stipulation and Proposed Decision.
3. That if the terms of this Stipulation and Proposed Decision are not acceptable to the Hearing Examiner or to the Board of Nursing, then the parties will not be bound by any of the terms.

Frances A. Kettelson

Frances A. Kettelson, Respondent

8-18-82

Date

Michael J. Berndt

Michael J. Berndt
Attorney for Complainant

8/14/82

Date

MJB:lb
270-248

8/20/82
FILED
Dept. of Reg. & Lic. DRR
Hearing Examiner

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

FRANCES A. KETTELSON, :
RESPONDENT. :

PROPOSED DECISION

FINDINGS OF FACT

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2. That the Respondent's registered nurse license is number 31613, issued on June 22, 1956.

3. That the Respondent's address is Route #3, Westby, Wisconsin 54667.

4. That from October, 1980 through October, 1981, the Respondent was employed as a registered nurse at The Bethel Home, 614 South Rock Avenue, Viroqua, Wisconsin.

5. That from October, 1980 through October, 1981, while working as a registered nurse at The Bethel Home, the Respondent converted to her own use and ingested patient medications.

6. That patient medications were converted and ingested by the Respondent while on duty at The Bethel Home approximately once each day the Respondent worked at said home.

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9. That the purpose of the diversion was the Respondent's private use and the motive was the relief of psychological or physical stress.

10. That the Respondent was suspended from her employment at The Bethel Home in October, 1981.

11. That on June 25, 1982, the Respondent returned to work part-time at The Bethel Home under the conditions set forth in Exhibit A.

12. That attached as Exhibits B and C are letters describing the Respondent's rehabilitative efforts.

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1. That converting and ingesting controlled substances as described above constitute moral delinquency and unprofessional conduct as defined by Wisconsin Administrative Code sections N 11.03(3)(b) and N 11.04(1).

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- b. The Respondent must inform the Board of Nursing of any change in her employment status within five days of such change.
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- d. The Respondent shall successfully complete her out-patient program of drug counseling.
- e. The Respondent shall submit to a monitoring program headed by a supervising therapist of random and witnessed samplings of her blood and/or urine for the presence of unprescribed controlled substances. The Respondent shall be responsible for obtaining a program acceptable to the Board and for all costs associated with the program.
- f. The Respondent shall cause the supervising therapist to file quarterly reports with the Board addressing the Respondent's status in the program. All positive drug screens and all failures to meet conditions of the program shall be reported immediately and said reports shall contain a recommendation as to whether further disciplinary action is required by the Board.
- g. The Respondent shall cause her work supervisor to send written quarterly reports to the Board evaluating the Respondent's work performance.
- h. The Respondent may petition the Board at any time during the period of limitation to revise or eliminate any or all of the above conditions.

- i. Violation of any of the terms of the limited license may result in a summary suspension of the license, imposition of the stayed suspension, and any additional discipline the Board believes is warranted based upon the new violation.

MJB:1b
370-366

GUIDELINES FOR RETURNING TO WORK AFTER ALCOHOL/DRUG ABUSE COUNSELING

- I. Approval from a certified alcohol/drug abuse counselor to return to work.
- II. Probationary period - 6 months.
 - a. Weekly appointments with alcohol/drug abuse counselor.
 - b. Monthly appointments with alcohol/drug abuse counselor and D.O.N.
- III. Be very honest and open about your problem and expect staff to share their feelings about your problem with you.

RESPONSIBILITIES OF STAFF MEMBERS WORKING WITH RETURNING EMPLOYEES

- I. Be open and honest about the problem. Do not hide your feelings.
- II. Report any deviation in standards of behavior, performance or application of policies to the D.O.N. or her designee immediately.
- III. Count all scheduled drugs daily.

RESPONSIBILITIES OF D.O.N.

- I. Confirm approval from alcohol/drug abuse counselor for return to work, in writing.
- II. Confirm weekly visits with counselor. Attend monthly visits with employees and counselor.
- III. Be very honest and open about the problem with the staff working with the employee and the employee.
- IV. Name a designee whenever unavailable.
- V. Consult immediately with the employee on any deviations in standards reported. Consult the alcohol/drug abuse counselor on deviations reported.
- VI. Confirm daily drug count being carried out.

Exhibit A

Douglas Community Mental Health Clinic, Ltd.

507 South Main Street

Viroqua, Wisconsin 54665

Phone 608/637-7052

July 19, 1982

Mr. Michael Berndt
State of Wisconsin
Department of Registration and Licensing
P.O. Box 8936
Madison, Wisconsin 53708

Dear Sir,

I saw Fran Kettleson on 7-9-82 and Fran has been followed by a Psychiatric Resident at our Clinic since February of this year. I am aware of her drug abuse problems and also of the depression she has suffered for some time. She seems to have responded quite well to Amitriptyline, initially at 150 mg. a day; that has been gradually decreased to 75 mg. Based on some added life stress, at this time it has been temporarily increased to 100 mg. at h.s., but I will continue following that. Fran will be seen in three weeks and at intervals that seem appropriate after that.

In addition to my seeing Fran periodically for medication, she will continue to see Dalton Noel, CAC, on a weekly basis for drug and alcohol abuse counseling and will meet jointly with Dalton and the Director of Nursing on a monthly basis.

Sincerely,

David A. Van Dyke, MD

David A. Van Dyke, MD

dvd/jb

Exhibit B

Douglas Community Mental Health Clinic, Ltd.

507 South Main Street

Viroqua, Wisconsin 54665

Phone 608/637-7052

July 21, 1982

Mr. Michael Berndt
State of Wisconsin
Department of Registration and Licensing
P.O. Box 8936
Madison, Wis. 53708

Dear Sir,

Francis Kettleson is a 48 year old R.N. who was first referred to our Clinic by the Director of Nursing at the Bethel Nursing Home in Viroqua for using patient drugs while on duty. Francis was first seen on Oct. 20, 1982 and has been seen on a weekly basis since then.

Mrs. Kettleson's treatment has consisted of individual and family therapy aimed at accepting her illness, education concerning addiction, improving her self image, alleviating her guilt. Fran's family and Mary Herlinger, Bethel Director of Nursing, have continually been involved in the treatment process.

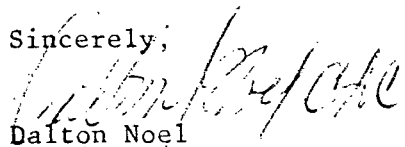
During the course of treatment, Fran's depression became apparent and I referred her to our Psychiatrist. Please refer to Dr. Van Dyke's letter to your Department dated July 19, 1982. Our resident Psychiatrist, Dr. Daniel Eimermann, and I worked with Fran over many months.

I feel that Fran is strongly committed to her recovery and is very willing to accept any monitoring your Board or the Nursing Home requires.

I am enclosing a copy of the guidelines the Bethel Home and I set up to cover Fran or any other employee with drug and alcohol problems will follow upon returning to work.

Fran's admitting diagnosis was drug dependency. At this time the problem is in remission and I feel her prognosis is good.

Sincerely,


Dalton Noel

Wisconsin Certified A.O.D.A. Counselor

Exhibit C



State of Wisconsin \

DEPARTMENT OF REGULATION & LICENSING

Lee Sherman Dreyfus
Governor

Sue Ann Kaestner
Secretary

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

October 4, 1982

Frances A. Kettelson
Route 3
Westby, WI 54667

RE: In the Matter of the Disciplinary Proceedings
Against Frances A. Kettelson

Dear Ms. Kettelson:

On September 23, 1982, the Wisconsin Board of Nursing took action to adopt the attached Final Decision and Order in the above matter as proposed by the Hearing Examiner. This action suspends your license for a period of twelve months but stays the suspension. Your license to practice, however, is limited for a period of two years, beginning September 23, 1982.

The following schedule applies to the license limitation:

1. You must inform the Bureau of Nursing by October 15, 1982 of the name of the facility which will monitor you for controlled substances in blood and urine.
2. You shall arrange to have your supervising therapist file reports with the Bureau of Nursing on the following dates:

November 1, 1982
February 1, 1983
May 1, 1983

August 1, 1983
November 1, 1983
February 1, 1984

May 1, 1984
August 1, 1984
November 1, 1984

3. You must request your work supervisor to send written quarterly reports to the Bureau of Nursing evaluating your work performance. The supervisor's reports must be submitted on the following dates:

November 1, 1982
February 1, 1983
May 1, 1983

August 1, 1983
November 1, 1983
February 1, 1984

May 1, 1984
August 1, 1984
November 1, 1984

As ordered in the Final Decision, failure to comply with these requirements may result in a summary suspension of your license.

Ms. Kettelson
October 4, 1982
Page 2

Please return your current card to this office immediately. It will be returned to you with an indication that it is limited.

If you have any questions regarding the Board's Order, please contact Katie Kyndely, R.N., Nursing Education Consultant, at 608-266-0072.

Sincerely,

BUREAU OF NURSING

Paula R. Possin, ms

Paula R. Possin
Director

PRP/KK/ms
Encl.

cc: Michael J. Berndt, Attorney, Division of Enforcement