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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOYCE A. LIPPERT, R.N.,
RESPONDENT

FINAL DECISION

AND ORDER

ORDER 0001714

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 Joyce A. Lippert.

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 :

JOYCE A. LIPPERT, R.N., :
RESPONDENT. :

PROPOSED DECISION

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

Joyce A. Lippert, R.N.
419 Roesler Avenue
Ladysmith, Wisconsin 54848

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 September 3, 1982 at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for the complainant was Attorney Steven M. Gloe, Department of Regulation and Licensing, Division of Enforcement. The respondent was not present, nor was anyone present to represent her.

Based upon the record herein, 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. Joyce A. Lippert, R.N. (Lippert), is duly licensed as a registered nurse in the State of Wisconsin. Lippert's license, numbered 45722, was issued on September 16, 1966.

2. Service of the Notice of Hearing and Complaint in this matter was made on Lippert by certified mail at 419 Roesler Avenue, Ladysmith, Wisconsin 54848. No Answer to the Complaint was filed by Lippert, nor did she appear at the evidentiary hearing.

3. At all times relevant to this proceeding, Lippert was working as a registered nurse on the day shift at Rusk County Nursing Home, in Ladysmith, Wisconsin.

4. On exact dates unknown, but during June, 1981 through July 13, 1981, Lippert diverted for her personal use at least the following quantities of drugs from Rusk County Nursing Home:

- a. Twenty-four (24) 10 mg. tablets of Valium (diazepam)
- b. Thirteen (13) 5 mg. tablets of Valium (diazepam)
- c. Seventeen (17) 15 mg. tablets of Dalmane (flurazepam hydrochloride)
- d. Twenty-four (24) 30 mg. tablets of phenobarbital.

5. Diazepam, flurazepam hydrochloride and phenobarbital are schedule IV controlled substances under Wis. Stats. sec. 161.20.

6. Lippert consumed unknown portions of the drugs referred to in paragraph 4 above.

CONCLUSIONS OF LAW

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

2. Lippert 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. Lippert's conduct described in paragraphs 4 and 6 constitutes violations of Wis. Stats. secs. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N 11.03(3)(b) and N 11.04(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of JOYCE A. LIPPERT to practice as a registered nurse in the State of Wisconsin (#45722), shall be and hereby is REVOKED, effective ten days following the date of the final decision of the Board of Nursing.

OPINION

The respondent, Joyce A. Lippert, was charged with diverting controlled substances for her own personal use while working as a registered nurse at the Rusk County Nursing Home in Ladysmith, Wisconsin. The substances involved were Valium, Dalmane and phenobarbital. This conduct occurred during June, 1981 through July 13, 1981.

The respondent failed to file an Answer to the Complaint or to appear at the hearing held in this matter. At the hearing complainant's attorney presented evidence establishing the truth of the allegations within the Complaint.

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. Lippert. The conduct of Ms. Lippert in procuring medications while employed at a nursing home and then ingesting such medications is very serious. The failure of Ms. Lippert to respond to the Complaint or appear at the hearing results in the failure of the record to contain any mitigating circumstances

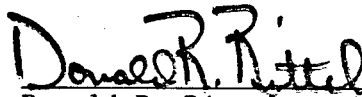
which might have been brought out by Ms. Lippert. It must be assumed, accordingly, that there are none. As Ms. Lippert failed to explain her conduct, or the circumstances surrounding it, the board must take strong action in this case in order to assure that the public is protected. The complainant's attorney recommended that Ms. Lippert's license be revoked. 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 examiner recommends that Ms. Lippert's license be revoked. Such action, if adopted by the board, will serve to prohibit her from practicing as a registered nurse in this state for a period of one year. Thereafter, she may apply for reinstatement, at which time the board can assess her current rehabilitation and ability to practice in the best interests of the public.

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

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

DRR:1mp
520-930