

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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BEFORE THE STATE OF
WISCONSIN BOARD OF NURSING

ORDER 0001756

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 Barbara A. Buckel.

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 complainant in the petition is the State of Wisconsin Board of Nursing.

Dated this 30th day of July, 1982.

Margorie Lundquist RN
Chairperson, Board of Nursing

MB:1mp
370-999

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

BARBARA A. BUCKEL, R.N., :
RESPONDENT. :

STIPULATION

The parties in this matter agree and stipulate as follows:

1. That the Respondent freely and voluntarily waives her right to a public hearing in this matter, except as noted below.

2. That the Respondent reserves the right and may request an opportunity to appear before the Board of Nursing to make statements in support of the attached Proposed Decision and Order.

3. That the Complainant's attorney may also request an opportunity to appear before the Board to make statements in support of this Proposed Decision and Order.

4. That the Complainant and the Respondent agree to the adoption by the Board of Nursing of the Proposed Decision and Order attached hereto and made a part hereof.

5. That the Respondent admits the truth of the Proposed Findings of Fact attached hereto.

6. That if the terms of this Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation or Proposed Decision.

Date: 7/23/82

Michael J. Berndt
Michael J. Berndt,
Attorney for Complainant

Date: 7-13-82

Barbara Buckel
Barbara A. Buckel, R.N.,
Respondent

Date: 7-13-82

Thomas G. Halloran
Thomas G. Halloran,
Attorney for Respondent

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : PROPOSED DECISION AND
: ORDER
BARBARA A. BUCKEL, R.N., :
RESPONDENT. :

FINDINGS OF FACT

1. That Barbara A. Buckel, the respondent, was at all times relevant to this proceeding, duly certified under the provisions of Chapter 441, Wisconsin Statutes, to practice as a registered nurse in the State of Wisconsin.

2. That the respondent's certificate number is 67953 and that this certificate was issued on September 16, 1977.

3. That the respondent's address is 5620 South 92nd Street, Hales Corners, Wisconsin 53130.

4. That from December of 1979 until May 27, 1980, the respondent was employed by and practiced as a registered nurse at St. Mary's Hospital, 2323 North Lake Drive, Milwaukee, Wisconsin.

5. That beginning in January, 1980 and until May 27, 1980, the respondent did, on a regular basis and without the valid prescription of a practitioner, procure from St. Mary's Intensive Care Unit's stock supply, possess, and self-administer the Schedule II controlled substance identified as Demerol, a/k/a Meperidine Hydrochloride.

6. That due to the removal, possession and self-administration of Demerol from St. Mary's Hospital, the hospital terminated the respondent's employment on May 27, 1980.

7. That on May 27, 1980, the respondent began a voluntary drug abuse program at the DePaul Rehabilitation Hospital, 4143 South 13th Street, Milwaukee, Wisconsin 53221.

8. That on February 3, 1982, the respondent completed said voluntary drug abuse program at the DePaul Rehabilitation Hospital.

9. That exhibits related to the respondent's treatment and current status are attached as follows:

a. A letter dated September 22, 1981, from Richard Hauser, M.D., Medical Director, DePaul Rehabilitation Hospital, and Glen H. Mueller, R.N., Director of Nursing and Director, Impaired Nurse Program, DePaul Rehabilitation Hospital.

b. A letter dated October 14, 1981, from Edward M. Rubin, M.S., A.C.S.W., Coordinator, Outpatient Drug Free Program, DePaul Rehabilitation Hospital.

c. A letter dated October 5, 1981, from Julie Baum, Executive Director, META House.

d. A letter dated September 14, 1981, from Susan F. Hough, Supervisor, Intensive Care, St. Mary's Hospital.

e. A letter dated January 20, 1982, from Edward M. Rubin, M.S., A.C.S.W., Coordinator, Outpatient Drug Free Program, DePaul Rehabilitation Hospital.

f. A letter dated March 2, 1982, from Edward M. Rubin, M.S., A.C.S.W., Coordinator, Outpatient Drug Free Program, DePaul Rehabilitation Hospital.

10. The drugs diverted did not come from patient sources.

11. That the purpose for the diversion was the respondent's private use of Demerol and the motive was the relief of psychological stress.

CONCLUSIONS OF LAW

1. That procurement, possession and self-administration of a controlled substance, as described in Findings of Fact 4 and 5 above, constitute moral delinquency and unprofessional conduct and as defined by sections N 11.03(3) and N 11.04(1), Wisconsin Administrative Code.

2. The 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 as a registered nurse of the respondent, Barbara A. Buckel, shall be and hereby is, SUSPENDED for a period of 30 days. By prior agreement with the Board, the suspension was served commencing March 28, 1982.

IT IS FURTHER ORDERED that the license to practice as a registered nurse of the respondent be LIMITED for a period of one year, commencing on April 27, 1982. The limitations are as follows:

- a) The respondent must inform current or prospective employers of her history of drug abuse; and
- b) The respondent shall submit to a monitoring program of random sampling of her blood and/or urine for the presence of controlled substances. The respondent shall be responsible for obtaining a monitoring program acceptable to the Board and for all costs associated with the program. Continuation of the monitoring

program commenced at De Paul Rehabilitation Hospital is acceptable to the Board. The supervising therapist shall file quarterly reports with the Board addressing the respondent's status in the monitoring program. The initial report shall cover the period from April 27, 1982 to July 25, 1982. The supervising therapist shall immediately report to the Board any significant deviation from the monitoring program. Minor deviations from the monitoring program shall all be reported in the quarterly report. The period of monitoring shall be subject to extension if evidence is presented to the Board of illicit consumption of controlled substances by the respondent. If such violations occur, the Board may consider the imposition of additional discipline.

MB:bdk
120-756