#### WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

MARY LYNN LAWLESS, R.N., RESPONDENT.

# FILECOPY

FINDINGS OF FACTS CONCLUSIONS OF LAW AND ORDER ORDERO001762

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

Mary Lynn Lawless 602 East Cassidy Street Wausau, Wisconsin 54401

State of Wisconsin Board of Nursing 1400 East Washington P.O. Box 8936 Madison, Wisconsin 53708

On \_\_\_\_\_\_, 1982, the State of Wisconsin, Board of Nursing received a signed stipulation from the parties to the above-captioned matter. Having read and considered that stipulation and the exhibits appended thereto; and having accepted the stipulation, the Board makes the following findings of fact, conclusions of law and order:

#### FINDINGS OF FACT

1. Mary Lynn Lawless (Lawless) was, at all times relevant to the events set forth herein, duly registered under the provisions of Chapter 441, Wis. Stats., to practice as a registered nurse in the State of Wisconsin (certification #70361, issued May 12, 1978).

2. Lawless' address is 602 East Cassidy Street, Wausau, Wisconsin 54401.

3. Lawless was employed by, and practiced as a registered nurse at, Waukesha Memorial Hospital, Inc., (Waukesha Memorial), Waukesha, Wisconsin, from November 13, 1978 until February 26, 1981.

4. Beginning in approximately January, 1979, and until the approximate time of her termination by Waukesha Memorial, Lawless did, on a regular basis, procure from medication carts, possess and self-administer apprximately 744 . doses of various controlled substances, including morphine sulfate, Merpergan, Demerol, Percodan and Tylenol #3. Said controlled substances were not procured or possessed pursuant to a valid prescription of a practitioner.

5. No patient of Waukesha Memorial was affected by Lawless' actions. The medications were procured from emergency room stock supplies and fictitious patient names were entered on the narcotic records.

6. Lawless' performance as a registered nurse at Waukesha Memorial was uniformly excellent throughout the term of her employment. A copy of a letter dated June 16, 1981, from Rexford W. Titus, III, commenting upon her work performance at Waukesha Memorial is attached hereto and made a part hereof.

7. Immediately following her discharge from Waukesha Memorial, Lawless was admitted to a 28-day inpatient treatment program at Keystone Treatment Center, Canton, South Dakota. Copies of the discharge summary and referral forms from Keystone are attached hereto and made a part hereof.

8. Following her discharge from Keystone, Lawless entered the impaired nurses program at DePaul Rehabilitation Hospital and remained in that and related programs at DePaul until her husband's employment transfer to Wausau necessitated termination of treatment. A copy of a letter dated September 16, 1981 from Dr. Richard Hauser and Glen Mueller, R.N., of DePaul, commenting upon Lawless' treatment is attached hereto and made a part hereof.

9. In conjunction with her treatment at DePaul, Lawless accepted employment at DePaul Belleview extended care unit and practiced there as a registered nurse until her move. A copy of a letter dated June 17, 1981, from Lucy Motley, Director of Nursing at Belleview, is attached hereto and made a part hereof.

#### CONCLUSIONS OF LAW

1. The State of Wisconsin Board of Nursing has jurisdiction to take disciplinary action in ths proceeding pursuant to Section 227.07(5), Wis. Stats.

2. Procurement, possession and self-administration of controlled substances without the valid prescription of a practitioner constitutes unprofessional conduct as defined by Section N 11.04, Wis. Adm. Code, and in violation of Section 441.07, Wis. Stats.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Mary Lynn Lawless to practice as a registered nurse in the State of Wisconsin be, and hereby is, suspended for a period of thirty (30) days.

IT IS HEREBY FURTHER ORDERED that following reinstatement, the license of Mary Lynn Lawless to practice as a registered nurse shall be, and hereby is, limited for a period of one year as follows:

(a) Lawless shall, within 30 days of the effective date of this order, submit to the Board of Nursing evidence of her participation in an outpatient treatment program at North Central Healthcare Facility, Wausau, Wisconin, which program duplicates to the extent possible the treatment program in which she participated at DePaul Rehabilitation Hospital between April 9, 1981 and August 25, 1981.

(b) Six months after the effective date of this order, Lawless shall submit to the Board a treatment summary and evaluation performed by a member of the medical staff at North Central Healthcare and reflecting that Lawless has no physical or psychological problems which would prevent her continued successful and competent practice as a registered nurse. (c) One year after the effective date of this order, Lawless shall submit to the Board a second treatment summary and evaluation performed by a member of the medical staff at North Centeral Healthcare and reflecting that Lawless has no physical or psychological problems which would prevent her continued successful and competent practice as a registered nurse.

Dated at Madison, Wisconsin, this Adday of Vavela 1982.

STATE OF WISCONSIN BOARD OF NURSING

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109-254

#### Waukesha M. Wial Hospital, Irc.

725 American Avenue Waukesha, Wisconsin 53186 Telephone 414 544-2011

June 16, 1981

Mr. Wayne Austin Nursing Board Department of Regulation and Licensing State of Wisconsin P.O. Box 8936 Madison, WI 53708

Dear Mr. Austin:

Mrs. Lynn Lawless was employed by us in our Emergency Department as a registered nurse from November, 1978 until February, 1981. She worked as a team leader, which means that she was responsible for much of the activity in the department during her tour of duty. During the same period of time, she was employed by the City of Waukesha as the inservice coordinator for the Waukesha Fire Department Paramedic Program.

In both roles Mrs. Lawless proved herself to be an excellent nurse. She has fine clinical skills, is energetic, and demonstrated good judgment.

As you know, she was discharged by us in February of 1981 when it was discovered that she had stolen controlled substances from locked medication carts in the department. Our investigation revealed that the theft was for personal consumption and that the method used in no way affected the care of any patient treated in the department. In fact, there is no evidence that Mrs. Lawless' problem ever diminished her ability to function as a professional nurse. She was one of our top performers.

If I can provide you with any further information on this matter, please do not hesitate to contact me.

Sincerely,

Rexford W. Titus, III Vice President/Administration

RWT/jj cc: Mr. Patrick F. Brown

> Dept. of Regulation & Licensing Div. of Concurrent Completion

RECEIVED

JUN 17 1981

Donald W. Fundingsland, President

#### DISCHARGE SUICLARY & AFTERCARE PLAN

PATIENTS NAME: Lynn Lawless ADDRESS: Waukeska, Wisconsin

Client appears to be fully convinced she has a problem, with drugs and readily identified with the various personality traits of the chemically dependent person. As her education in this area increased, the more positive she became which helped her deal with her initial guilt. She can fully understand the disease concept of the illness. After a trust level was established, client began coening up about being abused as a child and finally was able to discuss things she had never revealed to anyone. She than was counseled by our staff Priest and he helped her further. I feel she gained insight into the felacious thinking that preceded her using drugs, she indicated acceptance of applying AA principles, and understands what she must do and stay clean and sober. The marriage appears to be quite happy a there seems to be good communication between them. I feel her number 1 problem is her low self-image and she needs support in this area. She says she is willing to follow through with whatever program you and she develop. We recommend that she attend either AA or N.A. at least twice a week & that she remain in contact with a terapist, who is knowledgable in chemical dependence counseling. Another problem area is her spiritual outlook; she has developed a daily program during treatment & hopefully will keep it up and attend church weekly. This will no doubt improve her spiritual joutlook. She did not experience any withdrawal symptoms which had our staff baffled & we have not come with a logical meason why she aidn t.

AFTERCARE ON BACK OF SHEET!

I. Contraction

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DATE: MEL: 21, 1981 COULSELAR: July heles

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#### AFTERCARE

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- I. Abstinence
- II. AA/NA Attendance
- III. Individual counseling
- IV. Reinstated in Nursing Profession
- V. Improve family relationships
- I provement with emotional adjustments.
- VI. IMprovement with enotion. VII. Self-Actualization Spiritual concep VIII. Improve spiritual concepts
  - a. Daily Program
  - b. Attend Meetings
  - c. Church attendance
- IX: Alanon for husband

i Estates

# PARTICIPANT REFERRAL FORM

PARTICIPANTS Lynn Lawless	
	DATEMarch 26, 1981
To Mary Bûrke	FROM Pat Nelson
Statistics of NAME statistics in the statistics of the statistics	NAME
725 American Ave.	Keystone
AGENCY OR UNIT	AGENCY OR UNIT
Waukeska, Wisconsin 5318	6 Canton, LS.D. 57013
ADDRESS	ADDRESS

This is to notify you that the above named participant is referred to you for assistance.

REMARKS Client is a 36 year old R.N. who was a nurse in Emergency Department a was found to be allegedly stealing drugs from said department, talsety records & taking the drugs personally. She will be discharged from Keyson on Monday, March 30th having completed our 28-day program. I have had con with her husband, Mike at least weekly since she has been here. He came f 4 days of our Family Program and seems supportive and willing to do whatever is necessary to help his wife recover. I gave her part of the literature sent, Mary; she had not seen the letter from the hospital nor the newspaces report. I felt that it was necessary to face part of the reality that will be confronting her when she returns home. Needless to say she has had some anxious moments over her future and was greatly relieved when she received word last night that the charges had been dropped. At first, I thought psychological testing was warranted because she didn't seen to be able to a things sorted in her mind. After the first week however, things cleared to for her and she has been doing an excellent job of facing reality with some acceptance. She is still too hard on herself and has a difficult time over the fact that people can love her without her being wonder-woman. Hopeful in time her self-image will improve enough so she doesn't feel she has to be the super-achiever she has been. Thank you so much for referring client t I found her to be a jov to work with, open in 1-1 & she con-Keystone.

REPLY OF AGENCY OR UNIT REFERRED TO: tributed more than her share in groups. also got along well with others. I feel given some time to balance out, client would be capable of nursing again with responsion and integrativ. I hope she is given the chance. She will be discharged from here of Monday, March 30th and plans on taking a flight home that day.

المعالمة المتحقة المحاد

# De Paul Rehabilitation Hospital

1: 43, South 13th Screet Wisconsin 53221 414 281-4400

Acontroctionsive réationt, outpatient reathent facility for alcoholishcand ottier drug abuse.

A. Bela Maroti President "

Roland E. Herrington, M.D. Medical Director

Edward T. Hida Executive Vice President

Charles J. Dreher CPA Vice President - Finance

### September 16, 1981

Vayne L. Mistin, Attorney Division of Theoreman: Department of Peculation and Licensing P.G. Forders Madison/Mtil 53708

RE : Mary Ivan Eavless, 7.11

Dear Mr. Sustin:

The fellowing is in reconsoling your letter of Souterbar 2, 1°31, concerning the statud of lary Lynn La Class in our program at De Paul Prinsilitation Mospital.

Tary Lynn Lawless appeared at De Paul Petrail itation Hognital on april 9, 1931, to Riscuss an Aftersore plan following her primary infatiant treatment at Seystone Institute in South Dahota. At that tild Sus signed a contract to be involved in the Interior Nurse Protine esticil as being referred to the Outratient Vontrirent for further avel ation. Sen Abril 71, 21021, see the seek by Dr. Devid Denfer for a history and two orl and insting tractment playming that the the resumptive lacing en thes

Oniate Samenfance Alcohol abuse 1.

2

3. Mixed Frud abuse

4 Employment circurstances secondary to number 1.

The recommendations at that point were for the patient to continue her involvement in the Iroaired Mursa Program at le Paul, bacona part of the rangon unine Crug screening program within the Impaired Murges Program, avail hercelf of the Jurses 21/14 Group that Theots at De Paul on a madely basis. Secondly, it tas recorden and that the patient Decore involver in the Druttrae Procram in the Outpatient Climic at Do Paul Tostical tricitizs a bi-rocklin-meetine of chanically dependent normons. The patient subservert acreed to do this and narolled in the Drug Free Spect at De Paul in Spill of 1993

Taising a failer has seen disclosed to you from records the co Ciche Fodoral as minines. coarizentiality objects and the the funcing any further disclosure 112 CFR Part 21 pronist orativitatiout a apoper lover toten consult recaller lite tote? 31-9 18 1921 of these requires is of the service wheethese records set to in. Sonor laughor, the son for the suberge of medical AT OLDO, LEFOTSATSON SET STORES THE THE STORES

less actively participated in all recommended treatment. Stici to the bi-reduly ground of the Outpatient Drug Free and regular attendance at the Nurses AA/Mimeeting, she squently seen on a one-to-one basis.

less was also involved in some vocational counseling with riter and subsequently agreed to pursue her gareer at De llovier Twianded Core. Although this was an entirely at form of nursing for Wiss Lavless, I bolieve she nerformed her assigned duties. It is my understanding that you do copy of a work evaluation from Lucy Notley, Director of Do Paul Belleview.

Try, it is our opinion that early in her recovery phase from lagarding, iss Layleds is making excellent programs. The bird she was in program at De Paul, the activate all recovered objects of the treatment programmed her trained clean throughout that time. Miss La less was the fight the De Paul program, usuat 25, 1991, fue to her hausau. It is our reconnection that the patient continue hind of ongoing treatment. Drive to her discharwe, she to contact the Yorth Central Factblace Facility to discuss the cutpatient treatment. In addition, her current work are that she will be involved in solling insurance in the future. She also has been made available in the future. She also has been made availed the various of groups which are available in that area. It is our as in any chosically dependent patient, that the prognosis overy is directly dependent on the degree of involvement overy is directly dependent on the degree of involvement overwanded treatment programs.

less certainly has followed through with all of our fations. It is our hope that she will also follow through a starcare plan previously discussed and that she will ally raturn to the full practice of nursing with the action of her progress to this point.

the need arise for additional information from us, please contact us at any time.

vours,

Taures M.D.

a ind Fauser Director

PN

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•Thin is formation has been disclosed to you from seconds to you on fidentiality is producted by Federal Law. Federal Regulation (42 CFR Part 2) produbits if for making any further disclosure of it without a specific the consent conformation of these resultings of the for some show the second portion. A second authorization to the calendo of Scalena any other last rulation is use including the second any other last rulation is use including the second any other last rulation is use including the second any other last rulation is use including the second any other last rulation is use including the second any other last rulation is use including the second any other last rulation is use including the second any other last rulation is use including the second and the second second second second second second and the second second second second second second second any other last rulation is use including the second second any other last rulation is used in the second second second second and the second second second second second second second and the second second second second second second second second second any other last rulation is used in the second sec

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## De Paul Belleview Extended Care

a division of De Paul Behabil:tation Hospital, Inc. 1904 E. Belieview Place Milwaukee, Wisconsin 53211 414-964-8200

John E. Stager, NHA Administrator

A facility offering comprehensive medical and rehabilitative seraces to persons needing longterm care as part of their recovery from alcoholism or some other drug dependency.

A. Bela Maroti President

Roland E. Herrington, M.D. Medical Director

Edward T. Hida Executive Vice President

Larles J. Dreher, CPA Vice President - Finance June 17, 1981

Brown, Phillips & Davis Attorneys at Law Attention: Patrick F. Brown, Esq. Post Office Box 676 241 Wisconsin Avenue Waukesha, Wisconsin 53187

RE: Mary Lynn McGinnis Lawless

Dear Sir:

Mrs. Lynn Lawless is employed at De Paul Belleview and is a valuable employee with high professional standards. She has performed her duties with quality performance.

Sincerely,

Lucy Mattery

Lucy Motley, R.N. Director of Nursing

LM:ch



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