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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PRISCILLA BROWN WILHITE, TPN
RESPONDENT

:
:
:
:
:
:

FINAL DECISION
AND ORDER

ORDER 0001601

The Board of Nursing, having considered the Proposed Decision of the Hearing Examiner and having reviewed the transcript of the hearing held on August 4, 1982 in the above matter, makes the following:

FINDINGS OF FACT

The Board adopts the Findings of Fact contained in the Proposed Decision attached hereto, except that the Board adds the following finding:

10. The Respondent has experienced psychological problems for which she was hospitalized in approximately May of 1982.

CONCLUSIONS OF LAW

The Board adopts the Conclusions of Law found in the Proposed Decision.

ORDER

The Board modifies the Order found in the Proposed Decision as follows:

NOW, THEREFORE, IT IS ORDERED, that the license of PRISCILLA BROWN WILHITE to practice as a trained practical nurse (#6062) in the State of Wisconsin shall be, and hereby is SUSPENDED INDEFINITELY until the Board receives evidence to satisfy the Board that Wilhite is physically and mentally fit to practice nursing, including the following:

1. The receipt of a copy of the hospital records pertaining to her hospitalization at Froedtert Hospital in approximately May of 1982 including admission and discharge records, records relating to diagnosis and treatment and the reports of any psychiatrist or psychologist including any findings respecting her psychological status. Respondent shall submit to the Board a signed medical release form covering the release of such records.
2. A current report from the psychologist at Froedtert Hospital who attended her during her hospitalization there in May of 1982, addressing her current ability to competently and safely practice as a trained practical nurse. Respondent shall be responsible for submission of such report.
3. Upon reinstatement by the Board of Respondent's license to practice as a trained practical nurse, such license shall be limited for a period of one year as follows:

- a. The Respondent must inform the Board of Nursing of any change in her employment status within five days of such change.
- b. The Respondent shall not consume any unprescribed controlled substances.
- c. 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.
- d. 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.
- e. The Respondent shall submit to a drug counselling program. Respondent shall cause the supervisor of the drug counselling program to file quarterly reports with the Board addressing the Respondent's status in the program. 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 her work supervisor to send written quarterly reports to the Board evaluating the Respondent's work performance.
- g. 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.
- h. Violation of any of the terms of the limited license may result in a summary suspension of the license and any additional discipline the Board believes is warranted based upon the new violation.

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 Priscilla Brown Wilhite.

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.

BOARD OF NURSING

By:

Vivien DeBack
 Vivien DeBack, R.N., Ph.D., Chairperson

2-9-83
 Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : PROPOSED DECISION
 PRISCILLA BROWN WILHITE, T.P.N., :
 RESPONDENT. | :

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

Priscilla Brown Wilhite
3312 North 23rd Street
Milwaukee, Wisconsin 53206

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 Notice of Hearing and Complaint were filed in the above-captioned matter on April 19, 1982. On April 30, 1982, the State of Wisconsin Board of Nursing summarily suspended the license for the practice of trained practical nursing of the respondent, Priscilla Brown Wilhite, pursuant to section 227.14(3) of the Wisconsin Statutes.

On June 17, 1982, complainant's attorney, Steven M. Gloe, filed a motion for default judgment against the respondent. A hearing on complainant's motion was held on July 1, 1982, at which time respondent failed to appear. Complainant's motion for default judgment was granted pursuant to an order rendered July 6, 1982.

A hearing was held on August 4, 1982. The purpose of the hearing, in light of the order finding respondent in default, was to permit respondent to introduce evidence relevant to the disciplinary sanctions, if any, to be imposed in this proceeding. The complainant appeared by Attorney Steven M. Gloe. The respondent appeared personally and without an attorney.

Based upon the record 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. Priscilla Brown Wilhite, T.P.N. (hereinafter referred to as respondent), is duly licensed as a trained practical nurse in the state of Wisconsin (license number 6062); said license was issued on September 3, 1965.
2. On or about April 16, 1981, respondent was working as a trained practical nurse at Good Samaritan Medical Center-Deaconess Hospital Campus, 620 North 19th Street, Milwaukee, Wisconsin.
3. While on duty on this date, respondent diverted 50 mg. of Demerol (meperidine) and 25 mg. of Visatril (hydroxyzine pamoate) from the hospital drug supply.
4. Respondent injected these substances intramuscularly into her upper leg muscle.
5. On exact dates unknown, but known to respondent and beginning approximately in October, 1980, respondent diverted Demerol and Visatril for her personal use while on duty at Good Samaritan on approximately twenty (20) occasions.
6. Respondent falsely charted the substance she diverted (referred to in paragraph 5 above) as being given to patients assigned to respondent's care.
7. On or about October 11, 1981, respondent was working as a trained practical nurse at Park Manor Nursing Home, 1824 East Park Place, in Milwaukee, Wisconsin.
8. While on duty on that date, respondent diverted and ingested two (2) tablets of Percocet-5 (oxycodone hydrochloride-5 mg.), causing her to be in a condition unfit for nursing duty.
9. On exact dates unknown, but known to respondent, respondent diverted at least the following quantities of drugs from Park Manor Nursing Home:
 - (a) five (5) 25 mg. tablets of Elavil (amitriptyline HCL MSD).
 - (b) one (1) 150 mg. capsule of Pavabid (papaverine hydrochloride).
 - (c) two (2) 75 mg. capsules of Sinequan (doxepin HCL).
 - (d) four (4) 50 mg. capsules of Sinequan (doxepin HCL).
 - (e) ten (10) 25 mg. capsules of Sinequan (doxepin HCL).
 - (f) one (1) 5 mg. capsule of Librium (chlordiazepoxide hydrochloride).
 - (g) six (6) 25 mg. capsules of Benadryl (diphenhydramine hydrochloride).
 - (h) one hundred (100) 5 mg. capsules of Navane (thothixene).

CONCLUSIONS OF LAW

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

2. The conduct of respondent as described in the Findings of Fact constitute grounds for disciplinary action pursuant to Wis. Stats. secs. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N 11.03(3)(b) and (c), and 11.04.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the license of PRISCILLA BROWN WILHITE to practice as a trained practical nurse (#6062) in the State of Wisconsin shall be, and hereby is REINSTATED, with the following LIMITATIONS for a period of one (1) year imposed thereon:


1. The respondent must inform the Board of Nursing of any change in her employment status within five days of such change.
2. The respondent shall not consume any unprescribed controlled substances.
3. 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.
4. 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.
5. The respondent shall submit to a drug counseling program. Respondent shall cause the supervisor of the drug counseling program to file quarterly reports with the Board addressing the respondent's status in the program. The respondent shall be responsible for obtaining a program acceptable to the Board and for all costs associated with the program.
6. The respondent shall cause her work supervisor to send written quarterly reports to the Board evaluating the respondent's work performance.
7. 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.
8. Violation of any of the terms of the limited license may result in a summary suspension of the license and any additional discipline the Board believes is warranted based upon the new violation.

OPINION

The major issue in this case is the appropriate discipline to be imposed upon the license of the respondent, Priscilla Brown Wilhite, to practice as a trained practical nurse. In this regard it should be noted that Ms. Wilhite's license has been summarily suspended since April 30, 1982 and that the recommended order herein is basically that suggested by the complainant's attorney, and agreed to by respondent, at the hearing held in this matter. The examiner believes that the recommended order is protective of the public interest in this case, will serve to promote the rehabilitation of Ms. Wilhite, and is consistent with past actions taken by the Board in similar cases.

Dated at Madison, Wisconsin this 18th day of October, 1982.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

DRR:ma
911-069