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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEAN MASTERSON, L.P.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

ORDER0001642

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 Jean Masterson, L.P.N.

A party aggrieved by this decision who is a resident of this state 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 party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve 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 28th day of November, 1983.

Vivien DeBack, ms

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

pc017-552

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: PROPOSED DECISION
JEAN MASTERSON, L.P.N. :
RESPONDENT :

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

Jean Masterson
30150 Mason
Lavonia, Michigan 48151

Board of Nursing
1400 East Washington Avenue, Room 174
P.O. Box 8936
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P.O. Box 8936
Madison, WI 53708

A hearing was held in the above-captioned matter on September 8, 1983 at 1400 East Washington Avenue, Madison, Wisconsin. The complainant appeared by attorney, Michael J. Berndt, Department of Regulation and Licensing, Division of Enforcement. The respondent, Jean Masterson, did not appear, nor was anyone present to represent her.

At the hearing Mr. Berndt made a Motion for Judgment on the Pleadings based upon the fact that Ms. Masterson's written answer to the complaint filed in this matter constituted an admission to the truth of the allegations contained within the complaint. The motion was granted.

Based upon the pleadings and documents on file, 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. Jean Masterson, hereinafter called the respondent, was at all times relevant to this proceeding licensed under the provisions of Chapter 441 of the Wisconsin Statutes to practice as a registered nurse in the State of Wisconsin.

2. Respondent's licensed practical nurse license is number 19226, and was issued on November 11, 1977.

3. Respondent's address is 30150 Mason, Lavonia, Michigan 48151.

4. From February, 1980, through May, 1980, the respondent converted hospital stock and patient medications to her own use and self-administered the medications while working as a licensed practical nurse at St. Mary's Hospital, Rhinelander, Wisconsin.

5. The medications converted and self-administered by respondent included Demerol, a Schedule II controlled substance.

CONCLUSIONS OF LAW

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

2. The obtaining and self-administration of medications by respondent, as described in the Findings of Fact, constitute moral delinquency and unprofessional conduct as defined in Wis. Adm. Code secs. N11.03(3)(b) and N11.04(1).

3. Pursuant to Wis. Stats. sec. 441.07, moral delinquency and unprofessional conduct constitute bases for the Board of Nursing to take disciplinary action against the respondent.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Jean Masterson to practice as a licensed practical nurse in the State of Wisconsin (#19226), shall be and hereby is revoked, effective ten days following the date of the final decision of the Board of Nursing.

OPINION

The respondent, Jean Masterson, admitted converting hospital stock and patient medications to her own use for self-administration from February, 1980, through May, 1980. These medications included Demerol, which is a Schedule II controlled substance.

Given this admission, the primary issue in this case is the appropriate discipline, if any, to be imposed upon the license of Ms. Masterson to act as a licensed practical nurse.

The conduct of Ms. Masterson is very serious. Complainant's attorney has recommended that her license be revoked. Ms. Masterson failed to attend the hearing to present any evidence she may have concerning mitigating circumstances which might have been present at the time of her misconduct, or any subsequent action she might have taken regarding rehabilitation.

Accordingly, the record in this case contains no evidence sufficient to establish that any sanction less than a revocation of Ms. Masterson's license would be appropriate.

Dated at Madison, Wisconsin this 26th day of October, 1983.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

DRR:kh
6071