

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOANNE THIEL, R.N.,  
RESPONDENT

FINAL DECISION  
AND ORDER

ORDER 0001707

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 Joanne Thiel.

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 May, 1983.

*Kevin Michael W. D.*

pc017-552

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

JOANNE THIEL, R.N., :  
RESPONDENT. :

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

Joanne Thiel  
3442 South 11th Place  
Sheboygan, Wisconsin 53081

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

On April 18, 1983 the examiner received a Stipulation submitted by the parties in the above-captioned matter. The Stipulation was executed by Joanne Thiel, the respondent, and Michael J. Berndt, attorney for the complainant. A copy of the Stipulation is attached hereto.

Based upon the Stipulation, the examiner recommends that the Board of Nursing adopt as its final decision in this case the following Findings of Fact, Conclusions of Law, and Order, which are based on the terms agreed upon and stipulated to by the parties.

FINDINGS OF FACT

1. Joanne Thiel, hereinafter called the Respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 441, Stats., to practice as a registered nurse in the State of Wisconsin.

2. The Respondent's registered nurse license is #39271, issued on April 25, 1962.

3. The Respondent's address is 3442 South 11th Place, Sheboygan, Wisconsin 53081.

4. On or about April 1, 1982, the Respondent converted stock medications to her own use while working as a registered nurse at the Meadow View Manor Nursing Home in Sheboygan, Wisconsin.

5. Said medications were six Percocet-5 tablets, a Schedule II controlled substance.

6. The Respondent did not chart said medications as having been given to a patient.

7. From May 28, 1982, to June 27, 1982, the Respondent received inpatient treatment at the De Paul Rehabilitation Hospital in Milwaukee, Wisconsin.

8. Since June 27, 1982, the Respondent has received outpatient counseling through De Paul and has attended Alcoholics Anonymous meetings on a regular basis.

9. From June 27, 1982, to December 10, 1982, the Respondent participated in weekly witnessed random urine screens at De Paul for the presence of unprescribed mood altering chemicals and all such screens were negative.

10. Attached as Exhibits A and B are letters describing the Respondent's rehabilitative efforts.

11. On August 5, 1982, the Respondent was rehired as a registered nurse at the Meadow View Manor Nursing Home. Attached as Exhibit C is a letter describing the Respondent's performance upon return to work.

12. The purpose of the diversion was the Respondent's private use and the motive was the relief of psychological stress.

#### CONCLUSIONS OF LAW

1. The obtaining of a controlled substance as described above constitutes moral delinquency and unprofessional conduct as defined by Wisconsin Administrative Code sections N 11.03(3)(b) and N 11.04(1).

2. Pursuant to section 441.07, Stats., 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 registered nursing of the Respondent, Joanne Thiel, shall be and hereby is suspended for a period of 12 months. Said suspension is hereby stayed.

IT IS FURTHER ORDERED, that the license to practice as a registered nurse of the Respondent be limited for a period of two years, commencing 15 days following the date of the Board's Final Order in this matter. The limitations are as follows:


1. The Respondent must inform current or prospective employers of her history of drug abuse.
2. The Respondent must inform the Board of Nursing of any change in her employment status within five days of such change.

3. The Respondent shall not consume any unprescribed controlled substances, prescription drugs, or alcohol.
4. The Respondent shall continue with her outpatient program of drug counseling and her attendance at Alcoholics Anonymous meetings.
5. 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. The Respondent shall be given six months of credit for the urine screens already performed at De Paul Rehabilitation Hospital as verified by Exhibits A and B.
6. The Respondent shall cause a 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.
7. The Respondent shall cause her work supervisor to send written quarterly reports to the Board evaluating the Respondent's work performance.
8. 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.
9. Violation of any of the terms of the limited license may result in a summary suspension of the license, imposition of the stayed suspension and any additional discipline the Board believes is warranted based upon said violation.

[If any term of this Proposed Decision is not adopted by the board, then no term or condition of the attached Stipulation, upon which this Proposed Decision is based, shall be binding in any manner upon any party (Wis. Adm. Code sec. RL 2.12), and the matter shall be remanded to the examiner for further proceedings.]

Dated at Madison, Wisconsin this 25<sup>th</sup> day of April, 1983.

Respectfully submitted,

  
Donald R. Rittel  
Hearing Examiner

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOANNE THIEL, R.N.,  
RESPONDENT.

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:  
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:  
:  
STIPULATION  
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The parties agree and stipulate as follows:

1. That the Respondent waives her right to a public hearing and to be represented by an attorney in this matter.
2. That the parties urge the Hearing Examiner and the Board of Nursing to adopt this Stipulation and attached Proposed Decision.
3. That if the terms of this Stipulation and Proposed Decision are not acceptable to the Hearing Examiner or to the Board of Nursing, then the parties shall not be bound by any of the terms.

Joanne Thiel  
Joanne Thiel, Respondent

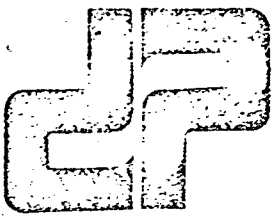
3-25-83  
Date

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

12/29/92  
Date

MJB:kh  
266-616

FILED  
4/18/83  
Dept. of Reg. & Lic. DER  
Hearing Examiner



De Paul  
Rehabilitation  
Hospital

4143 South 13th Street  
Milwaukee, Wisconsin 53221  
414-281-4400

A comprehensive  
inpatient, outpatient  
treatment facility  
for alcoholism and  
other drug abuse.

October 20, 1982

Exhibit A

Mrs. Bell Randall, Investigator  
Department of Regulation & Licensing  
P. O. Box 8936  
Madison, WI 53708

Re: Joanne Thiel, RN

Dear Mrs. Randall:

As per previous correspondence, Joanne Thiel was admitted to the Impaired Nurse Program at De Paul Port Washington on May 28, 1982. Her diagnosis at that time was opiate dependency and alcohol dependence syndrome continuous. Joanne completed the 30 day inpatient program following which she returned to her home in Sheboygan. To date, Joanne is continuing her involvement in the Impaired Nurse Program. She is attending AA meetings including regular attendance at the Impaired Nurse Group at De Paul Hospital, Milwaukee. She is also actively involved in individual and family counseling at De Paul Port Washington. According to Judy Werlein, counselor at Port, Joanne is making excellent progress and actively working her recovery plan.

Joanne continues to participate willingly in the weekly witness random urine monitoring program and demonstrates a good attitude to this part of the program. To date, these screens have not demonstrated any questionable results.

Joanne continues to work at Meadow View Manor and according to Marilyn Schmidthe, NHA, no "unusual" performance has been noted. Joanne also has carried out the request of the nursing home administration to meet with the other RN's and LPN's on staff to explain her recovery program. This certainly was a difficult exercise for Joanne but one she was willing to do.

Mrs. Bell Randall  
October 20, 1982  
Page 2

In summary, it appears Joanne is making excellent progress. We will continue to monitor same and will supply the Board with quarterly reports.

Feel free to contact me for further information if necessary.

Sincerely,



Barbara Bartlein, RN  
Case Manager  
Impaired Nursing Program

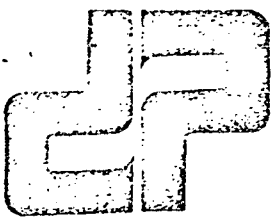


Glen Mueller, RN  
Director of Nursing  
Director of Impaired Nurse Program

BB/cmv

cc Meadow View Manor Nursing Home Inc.  
3613 South 13  
P. O. Box 1127  
Sheboygan, WI 53081





De Paul  
Rehabilitation  
Hospital

4143 South 13th Street  
Milwaukee, Wisconsin 53221  
414-281-4400

A comprehensive  
inpatient, outpatient  
treatment facility  
for alcoholism and  
other drug abuse.

December 10, 1982

Exhibit B

Mrs. Bell Randall, Investigator  
Department of Regulation and Licensing  
P.O. Box 8936  
Madison, WI 53708

Re: Joan Theil, R.N.

Dear Mrs. Randall:

As per my letter of October 20, 1982, Joan Theil was admitted to the impaired nurse program at De Paul Port Washington on May 28, 1982. Following the thirty day inpatient program, Joan has continued her involvement in the impaired nurse program and on an outpatient basis.

As a part of her program, Joan has participated in the weekly witness random urine monitoring program. From the time of discharge to today's date, these screens have been negative for mood altering chemicals.

If there is any other information that you require in regard to this case, please feel free to contact me.

Sincerely,

Barbara Bartlein, R.N., M.S.W.  
Case Manager  
Impaired Nursing Program

BB:sm

RECEIVED  
DEC 27 1982  
Dept. of Regulation & Licensing  
Faint stamp, partially obscured.



3613 S. 13TH STREET  
P. O. BOX 1127  
SHEBOYGAN, WI 53081  
(414) 458-4040

## Exhibit C

Atty. Michael Berndt  
Dept. of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8936  
Madison, WI. 53708

November 1, 1982

Dear Atty. Berndt:

This letter is to inform you of Joanne Thiel's work performance at Meadow View Manor Nursing Home, Inc. since she has returned to work as of August 5, 1982.

The Pharmacist Consultant Mr. Merton Finger, Director of Nursing Mrs. Velma Stieber, and Director of Impaired Nurse Program at DePaul, Glen Mueller, and myself met on Friday, July 16, 1982, and the list of conditions under which Joanne would be permitted to return to work were explained. They include:

- 1) Continued active involvement in the DePaul Impaired Nurse Program for the entire period of the contract, which is understood to be two (2) years;
- 2) Weekly random urine screens;
- 3) One-to-one therapy;
- 4) Weekly attendance at the Impaired Nurse AA/NA meeting;
- 5) Active involvement in community-wide AA;
- 6) Abstinence from all mood-altering chemicals and alcohol;

In the event all of these conditions are not followed, De Paul agrees to notify the Administrator of Meadow View Manor and employment may be terminated.

As of today 11-1-82 and to the best of my knowledge, Joanne Thiel is meeting all of the conditions. A progress note from DePaul on 10-20-82 indicated excellent progress. At Meadow View Manor, our pharmacist consultant has informed me that there have been no discrepancies in our drug count since Joanne has returned to work and no "unusual" performance has been reported to me by the staff. Since one of the requests of Meadow View Manor was for Joanne to meet with the other licensed staff and explain her re-



MEMBER  
WISCONSIN ASSOCIATION OF NURSING HOMES, INC.  
AND  
AMERICAN HEALTH CARE ASSOCIATION

ahca

covery program, the licensed staff is fully aware of Joanne's past problems. In fact, the staff feels that Joanne's performance and attitude is excellent now.

If you want any additional information from the nursing home, please contact me.

Sincerely,  
MEADOW VIEW MANOR NURSING HOME, INC.

*Marilyn Schmidtke, NHA*

Marilyn Schmidtke, NHA  
Administrator

MS/lis