

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

1983

827 June 47

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

LYNN BREITZMAN THEISEN, R.N., :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 000 1771

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 Lynn Breitzman Theisen, R.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 De Back, ms

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

pc017-552

oh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

LYNN BREITZMAN THEISEN, R.N. :
RESPONDENT :

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

Lynn Breitzman Theisen
301 West Washington
Port Washington, WI 53074

-and-

725 West Grand Avenue
Port Washington, WI 53074

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 19, 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, Lynn Breitzman Theisen, did not appear, nor was anyone present to represent her.

Based upon the record, the Hearing Examiner recommends that the Board of Nursing adopt the following Findings of Fact, Conclusions of Law, and Order as its final decision.

FINDINGS OF FACT

1. Lynn Breitzman Theisen, 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 registered nurse license is number 62488 and was issued on September 30, 1975.

3. Respondent's last reported address on file with the Board of Nursing is 301 West Washington, Port Washington, Wisconsin 53074. She also receives mail addressed to 725 West Grand Avenue, Port Washington, Wisconsin 53074.

4. Service of the Notice of Hearing and Complaint in this matter was made by certified mail to respondent at both addresses set forth in paragraph 3 above, on June 30, 1983. The return receipts on file herein for these mailings indicate a date of delivery on July 1, 1983 and contain the signature, "Lynn Theisen". Respondent did not appear at the hearing held on September 19, 1983.

5. Respondent was convicted of one felony violation of secs. 161.22(2)(a), 161.43(1)(a) and 161.43(2), Stats., upon a plea of no contest on September 20, 1982 in the Circuit Court for Sheboygan County, Wisconsin, Judge John Bolgert presiding.

6. The information to which the respondent plead no contest charged that on July 7, 1982, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, the respondent did obtain possession of Terpin-hydrate with Codeine, a Schedule V controlled substance, by misrepresentation.

7. Following conviction, the sentencing of the respondent was withheld and the respondent was placed on probation for two years and required to pay costs of \$28.00.

8. The respondent was convicted of one misdemeanor violation of secs. 161.22(2)(a), 161.23(5) and 161.41(3), Stats., upon a plea of no contest on January 24, 1983 in the Circuit Court for Ozaukee County, Wisconsin, Judge Joseph D. McCormack presiding.

9. The complaint to which the respondent plead no contest charged that on or about October 24, 1982, in the City of Cedarburg and Village of Grafton, County of Ozaukee, State of Wisconsin, the respondent intentionally purchased more than four ounces of a Schedule V controlled substance within a 48 hour period without the authorization of a physician, dentist or veterinarian.

10. Following conviction, the sentencing of the respondent was withheld and the respondent was placed on probation for a period of 18 months and required to pay costs of \$20.00.

11. In a statement given by respondent on March 29, 1983 to an investigator from the Department of Regulation and Licensing, Division of Enforcement, she admitted to a history of alcohol and chemical abuse and addiction. A copy of this statement, reduced to writing and signed by respondent on May 2, 1983, is attached hereto and incorporated herein.

CONCLUSIONS OF LAW

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

2. Respondent did not appear at the hearing in this matter and is, therefore, in default pursuant to Wis. Adm. Code sec. 441.07.

3. Respondent, having been convicted of the crimes described in the Findings of Fact, has engaged in moral delinquency as defined in Wis. Adm. Code sec. N11.03(3)(a).

4. A violation of Wis. Adm. Code sec. N11.03(3)(a) constitutes unprofessional conduct under Wis. Adm. Code sec. 11.04(1), thereby authorizing the Board of Nursing to take disciplinary action pursuant to Wis. Stats. sec. 441.07.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Lynn Breitzman Theisen to practice as a registered nurse in the State of Wisconsin (#62488), shall be and hereby is revoked, effective ten days following the date of the final decision of the Board of Nursing.

OPINION

The respondent, Lynn Breitzman Theisen, did not appear at the hearing to contest the charges in the Complaint that she has twice been convicted of crimes involving illegal purchases of codeine. Complainant's attorney introduced evidence establishing her convictions.

The primary issue in this case is the appropriate discipline, if any, to be ordered against Ms. Theisen. Complainant's attorney has recommended that her license be revoked. This recommendation is based largely upon the statement given by Ms. Theisen (State's Exhibit #3, attached hereto) which indicates a history of alcohol and drug abuse and addiction, as well as an inability to follow through with treatment programs.

Under the circumstances of this case, it is my opinion that nothing less than a revocation of respondent's license to practice will act to sufficiently protect the public interest.

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

Respectfully submitted,


Donald R. Rittel
Hearing Examiner

DRR:kh
882-619

STATEMENT OF LYNN JANET BREITZMAN THEISEN, RN
GIVEN ON MARCH 29, 1983
At DePaul Rehabilitation Unit,
St. Alphonsus Hospital, Port Washington, Wisconsin

Mr. James Krudwig, an investigator, with the Division of Enforcement, Wisconsin Department of Regulation and Licensing, has requested that I make a statement for the State Board of Nursing regarding my drug abuse.

I graduated from the Milwaukee County General Hospital School of Nursing during May, 1975 obtaining my registered nurse degree. From June, 1975 through August, 1975, I worked at St. Mary's Hospital, Lake Street, Milwaukee. I then began working at St. Anthony Hospital, 1004 North 10th Street, Milwaukee, from September, 1975 to May, 1978. I was terminated from St. Anthony Hospital employment for several reasons. I had a poor record and I had scratched my leg on a nail, it became infected and I had continued to work. The hospital had said that it was irresponsible on my part to work under these circumstances. My supervisor, Carol Imhoff, RN, was jealous of me because of my relationship with an anesthesiologist, Renato Felizmena, MD, and used the infection as the excuse to have me fired. I then collected unemployment compensation during the summer of 1978. I began working at Milwaukee Children's Hospital in September, 1978 and continued through May, 1981. When I was hired at Milwaukee Children's Hospital, I did not tell them that I had been terminated at St. Anthony Hospital, only saying that I had quit working there.

I began using alcohol socially during 1972 and drank beer and mixed drinks. This became a problem about January, 1976 when I left my parents' residence and moved to Milwaukee where I lived alone. I was very lonesome and began drinking a shot of Southern Comfort with a beer, continuing to drink each night until I felt good. I usually worked the day shift in

STATE'S Ex. #3
2/19/83 DRR

surgery and would come home and drink at night to fight off the lonesomeness which I was experiencing. During approximately April, 1976, I began taking a drink before going to work in the morning. I might go to work sometimes being well under the influence of alcohol but considered myself functionable. During June, 1976, I began a social relationship with Dr. Felizmena, who was married.

I first diverted drugs for my own use from St. Anthony Hospital during 1977 when I began occasionally, about once per month, taking Darvon capsules whenever I had a headache. I was working in surgery and would ask various doctors for prescriptions for Talwin and Tylenol-3. These prescriptions were written without any examination. Mr. Krudwig has requested that I name the doctors and I have declined to furnish the names because I feel that they were only doing me a favor. During the summer of 1977 I attempted to commit suicide by injecting myself with sodium pentothal. I had taken a multiple dose bottle from the surgery area of St. Anthony Hospital. I mixed the liquid and powder together and put as much as possible into a syringe. I began injecting myself but believe that I fell asleep before I had used 10 or 12cc of the solution. Dr. Felizmena came to my apartment and found me in that condition. He called my parents and they came over. They were very upset and blamed my actions on the doctor. St. Anthony Hospital was never notified and I think that I took about a week vacation after this incident. The hospital staff did not acknowledge that I had attempted suicide but I felt that it was implied and I assumed that Carol Imhoff, RN, my supervisor, was aware that I had made the attempt.

While at Milwaukee Children's Hospital, I continued to obtain prescriptions from various doctors but I drank alcohol more frequently than using drugs. Sometime around November, 1980, someone had told me that I could buy cough

syrup that contained codeine over-the-counter, so I began using Terpin Hydrate with Codeine (THC). I purchased it at the pharmacy of Milwaukee Children's Hospital. I never took anything from the Emergency Room where I worked because I was afraid of being caught. I felt that it did not seem as bad to buy something for my own personal use. During this period I regularly went to work drunk or under the influence of the drug. About March, 1981, I was counseled and told that I would have to go into treatment or would be fired. I went to Elmbrook Memorial Hospital for alcohol rehabilitation treatment for ten days and then had myself transferred to the DePaul Rehabilitation Unit at St. Alphonsus Hospital in Port Washington. I faked being ill with pancreatitis which required that I be transferred out of the rehabilitation unit to a medical unit. After ten days on the medical unit, I signed myself out of St. Alphonsus Hospital. I returned to employment at Milwaukee Children's Hospital about one or two weeks later, giving the impression to everyone that I had completed alcohol rehabilitation treatment. Eventually, my supervisor, Barbara Forss, RN, called the DePaul Rehabilitation Unit at St. Alphonsus Hospital and learned what had actually happened. Milwaukee Children's Hospital then set up a program for me to attend out-patient treatment at DePaul Rehabilitation Hospital on 13th Street, Milwaukee. I had the option to participate or have my employment terminated. I went to three group therapy sessions but was not emotionally ready to work with this program so I discontinued further attendance and quit my job at Milwaukee Children's Hospital during May, 1981.

I began buying about one 4-ounce bottle of Terpin Hydrate with Codeine (THC) from various pharmacies each week during June, 1981. This progressed until I needed three or four bottles of THC per day by December, 1981. To support this addiction, I borrowed money from my parents and took a job at a gas station where I cooked chicken. I would buy as many bottles of THC

as I could. Although I preferred THC, I would also buy Cheracol, Novahistine, or generics of the same medication. I believe that the largest amount ever taken was four bottles per day. I would use any name which I could think of to sign the Schedule V drug record at the various pharmacies. Some of the names which I remember using were: Monica Morrison, Kelly Nelson, Sue Smith, and Pam Johnson. There were many other names which I cannot now remember.

During November, 1982 the Grafton Police Department had been checking pharmacies and matched my signature with another name which I had forged in a Schedule V drug sale record. I was questioned and allowed to go home. I was supposed to attend Alcoholics Anonymous (AA) meetings. The Ozaukee District Attorney's office said that if I went straight for a year, they would throw the file away. I went straight for about a week and then went back to drinking and using THC. I did attend AA meetings where I met my future husband, James A. Theisen, sometime just before Christmas, 1981. He is addicted to alcohol and I am addicted to alcohol and codeine.

During January, 1982 I began working at Rocky Knoll Nursing Home near Plymouth, Wisconsin. My boyfriend and I were living together in Adell, Wisconsin. I would have to work the late shift and my boyfriend did not like it when I was gone at night. He would drink alcohol and I would use THC and eventually he would not allow me to go to work regularly. The nursing home had put me on probation when I was hired and when I was not showing up regularly and missing work, they decided not to hire me permanently, terminating my employment after one month. While at Rocky Knoll Nursing Home, I diverted drugs for my own use, including Tylenol-3 or its generic. I did this whenever I could by removing them from patients' medication containers when passing their regular medications. I gave the patients what medications they needed but also took some for myself. I took

approximately 50 unit doses in this manner during the month I worked there. No one ever noticed that the drugs were missing as they did not have to be signed out. I was never confronted with my theft. Some of the medication bottles had been brought by the patients when admitted while other bottles had been dispensed by the nursing home's pharmacy.

I had encouraged my boyfriend to make THC purchases for me. I feel that we were both alcoholics and were reinforcing each other in our use of alcohol. My boyfriend tried THC one time and he said that it tasted awful. We were married during 4/82. I would occasionally ask my friends, sister, or parents to purchase THC for me. None of these people ever realized that I was addicted to it.

During August, 1982 the Sheboygan Police Department caught me making THC purchases and both myself and my husband were arrested. I began to experience withdrawal and was admitted to the Sheboygan Memorial Hospital for 7-10 days and was released because I was not insured and could not pay. During September, 1982 I signed myself into the Sheboygan Memorial Hospital again for treatment of withdrawal symptoms. Again I stayed for one or two weeks and was discharged when no one could pay the bill. I then appeared in Sheboygan County Court and was placed on probation for two years. My husband and I had moved from Adell, Wisconsin to Port Washington and our probation records were transferred from Sheboygan County to the Ozaukee County Probation Office. I continued to use THC and drink Southern Comfort and other liquor and beer during this period.

During December, 1982 my probation officer, Robert Schmidt, determined that both myself and my husband, were continuing to drink alcohol and/or codeine and had me put into jail for seven days. I was then transferred to the DePaul Rehabilitation Unit at St. Alphonsus Hospital in Port Washington for two weeks. On January 5, 1983, I went to the Samaritan House (halfway

house), 630 Cherry Street, Green Bay. I continued to use alcohol and THC while in Green Bay. During the middle of February, 1983, I returned to Port Washington. During March, 1983, my counselor, Jim Scheele, of the Ozaukee County Counseling Center, Port Washington, and my probation officer, Mr. Schmidt, found out that I was still using alcohol and codeine and determined that I was suicidal and had me committed to jail under protective custody. After three hours in jail, I began going through withdrawal and I faked a seizure. I was then brought to the Emergency Room at St. Alphonsus Hospital and admitted to a general medical area for three days. I was then released and taken back to jail. Again after three hours in jail, I knew that I did not want to be there and found a safety pin on the floor, swallowing it in the open position. I called my husband and told him what I had done. He contacted the jailer and had me readmitted to the general medical area of St. Alphonsus Hospital. I considered the act of swallowing the safety pin as a manipulative attempt to get out of jail. I also recognized that I would rather be dead than remain in jail. I still feel this way and am terrified of being in jail. It was later decided that upon release from St. Alphonsus general medical unit, I would be sent to the DePaul Rehabilitation Unit.

During the time that I was being treated in the general medical unit of St. Alphonsus Hospital, I encouraged my husband to bring me vodka to keep me from going into withdrawal. I consumed one or two pints of vodka per day in this manner. On the morning when I was admitted to the DePaul Rehabilitation Unit from the general medical unit, I was drunk and did not want to make the change. I was afraid of the effects of becoming sober and did not want to experience the feeling of withdrawal. I became desperate and swallowed 12 thumb tacks which I took off the bulletin board. I found three bobby pins and swallowed them also. One open bobby pin became stuck

inside of me. After an hour, I admitted what I had done, x-rays were taken and on the following day, the stuck bobby pin was removed and the other bobby pins and thumb tacks passed through my body normally.

I no longer suffer withdrawal and I now realize that I cannot go on playing games as my life has been fouled up as a result of this. The things which I have done were stupid and I want to start over again. I do not want to live on welfare, and want to make something of myself and have a normal life and be happy. I feel that I now have the determination to do this. I understand that if my husband reverts to drinking, I will have to leave him to keep my own life straight. I admit to being scared to death of being alone. I intend to try to work with my husband in order that both of us will stay sober. I feel that I am getting positive reinforcement from attending AA meetings now.

I am somewhat reluctant about going back to nursing at the present because I am not strong enough in my sobriety at this point to feel that I can successfully fight off any temptations when I am near drugs. I know that I am good nurse and want to continue as a nurse. The last time that I felt good about myself was when I worked in the surgery department of Milwaukee Children's Hospital. Mr. Krudwig has explained to me the Board of Nursing program for impaired nurses and I would like to participate in this program.

Mr. Krudwig has also requested that I sign consent release forms to release my medical, alcohol and drug abuse treatment and employment records to the Board of Nursing and the State Department of Regulation and Licensing. I have signed these forms.

I have carefully read and understand the above statement, and I have been given an opportunity to make any changes or corrections to it that I desire. I believe such statement is true and accurate to the best of my knowledge.

Lynn Janet Breitman Theisen 5/2/83
signature date

725 W. Grand Ave.
Port Washington, WI
address 53074

Witnessed by:

James A. Theisen

JK:ams
955-529