

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

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ETHELYN M. BROWN, T.P.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

ORDER 0001600

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

Ethelyn M. Brown
P.O. Box 253
Bonduel, Wisconsin 54107

Board of Nursing
P. O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P. O. Box 8936
Madison, Wisconsin 53708-8936

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 petition in this instance would be captioned with Ethelyn M. Brown as the respondent.

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 Board of Nursing.

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. That Ethelyn M. Brown, hereinafter called the Respondent, was at all times relevant to this complaint duly licensed under the provisions of Chapter 441, Wisconsin Statutes, to practice as a trained practical nurse in the State of Wisconsin.
2. That the Respondent's trained practical nurse license is #5295, issued on May 22, 1964.
3. That the Respondent's address is Box 253, Bonduel, Wisconsin 54701.
4. That on June 13, 1982, the Respondent was employed as a trained practical nurse at Woodland Village Nursing Home, 430 Manor Drive, Suring, Wisconsin 54174.
5. That while on duty on said date the Respondent contacted her personal physician as the Respondent was feeling ill. The physician advised the Respondent to consume 5 mg of Valium. The physician did not indicate to the Respondent where she should obtain the Valium. ✓
6. That on said date while on duty, the Respondent injected herself with 10 mg of Valium, obtained from the nursing home stock at Woodland Village.
7. That the Respondent had no permission from Woodland Village to remove any Valium from the nursing home stock.
8. That there is no evidence of harm to any resident of Woodland Village as a result of the Respondent's actions. On June 13, 1982, Woodland Village had two residents.

CONCLUSIONS OF LAW

1. That by removing 10 mg of Valium instead of 5 mg of Valium, the Respondent obtained a drug in a manner prohibited by law, contrary to Wisconsin Administrative Code section N 11.03(3)(b).
2. That by removing 10 mg of Valium from the nursing home stock without permission of the owner, the nursing home, the Respondent obtained a drug in a manner prohibited by law, contrary to Wisconsin Administrative Code section N 11.03(3)(b).

Therefore, it is hereby ORDERED:

The Respondent shall be, and hereby is, reprimanded.

BOARD OF NURSING

By:

Therese M. Back
A Member of the Board

Date

1-19-84

MB:cls
400-487

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

ETHELYN M. BROWN, T.P.N., :
RESPONDENT. :

STIPULATION

It is hereby stipulated by the parties as follows:

1. By signing this Stipulation the Respondent voluntarily and knowingly waives her rights in this matter, including the right to a hearing on the allegations at which time the state has the burden of proving the allegations by clear, satisfactory, and convincing evidence, the right to confront and cross-examine witnesses, the right to call witnesses and to compel their attendance by subpoena, the right to testify, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing, and all other applicable rights afforded under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

2. This Stipulation and attached Final Decision and Order shall be submitted to the hearing examiner and the Board of Nursing for purposes of reaching a final resolution in this matter. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to either the hearing examiner or the Board of Nursing, then neither party shall be bound by any of the terms.

3. The parties urge acceptance by the hearing examiner and by the Board of Nursing of this Stipulation and attached Final Decision and Order. The attorney for the Respondent may appear before the Board of Nursing to speak in favor of the attached Final Decision and Order, and to answer any questions posed by the Board.

4. If the hearing examiner approves these documents as to form and to content, then the Respondent waives all rights to file objections to these documents and urges the examiner to immediately forward the documents to the Board of Nursing for consideration.

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

11/29/83
Date

Ethelyn M. Brown
Ethelyn M. Brown, T.P.N., Respondent

12/7/83
Date

Approved as to form and content this 13th day of December, 1983.

Donald R. Rittel
Donald R. Rittel, Hearing Examiner