

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

ORDER 0001710

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

### FINDINGS OF FACT

1. Lynda B. Cooper, R.N. (hereinafter referred to as Cooper) is duly licensed as registered nurse in the State of Wisconsin (license # 41801); this license was issued on December 16, 1963.
2. Beginning in approximately 1977 and continuing on to the present, Ms. Cooper was and is suffering from a condition of alcoholism.
3. On or about March 4, 1983, Ms. Cooper was working as a night shift R.N. supervisor at Carlisle Nursing Home, 2121 Pioneer Drive, Beloit, Wisconsin.
4. On that date, Ms. Cooper reported for work in an intoxicated condition which rendered her unable to perform the following nursing duties:
  - a. Ms. Cooper failed to adequately respond to requests for direction from nurses aides under respondent's supervision during her tour of duty; and
  - b. Ms. Cooper failed to administer medications to patients assigned to her care on her tour of duty.
5. Ms. Cooper was hospitalized at DePaul Rehabilitation Hospital in Milwaukee from July 21, 1983 through August 22, 1983 for treatment of the disease of chemical dependency.
6. Following her discharge from the inpatient phase of treatment at DePaul, Ms. Cooper has been enrolled in the Impaired Professional Program in DePaul.

### CONCLUSIONS OF LAW

Nurse Cooper's conduct, as described above, constitutes grounds for disciplinary proceeding against her license under Wis. Stats. sec. 441.07(1)(c) and (d) and Wis. Adm. Code sec. N 11.03(1)(c) and N 11.04(1).

Therefore, it is hereby ORDERED:

- A. The license of Ms. Cooper shall be suspended for a period of one year. This suspension shall be stayed pending the successful completion of the period of license limitation outlined in paragraph B, below.
- B. The license of Ms. Cooper shall be limited for a period of two years as follows:
  1. Ms. Cooper must remain free of alcohol and unprescribed mood altering drugs during the period of limitation.
  2. Ms. Cooper must participate in a program of random supervised monitoring, on a weekly basis, for controlled substances and alcohol in her blood and/or urine.

3. Ms. Cooper shall be responsible for obtaining a monitoring facility and reporting system acceptable to the board, as well as be responsible for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility must agree to provide random, monitored gathering of specimens for evaluation. They must further agree to file an immediate report with the Bureau of Nursing of such failures to participate as: if Ms. Cooper fails to appear upon request, or if a screen proves positive, or if Ms. Cooper fails to provide a specimen for analysis upon the request of the monitoring facility.

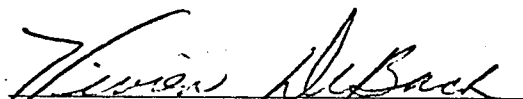
Ms. Cooper must remain in her current counseling program, or in counseling program acceptable to the Board. To be an acceptable program, the counselor must agree to notify the Board immediately upon becoming aware of any change in Ms. Cooper's condition that would impair her ability to safely and competently perform nursing duties.

4. Ms. Cooper must arrange for written quarterly reports to the Bureau of Nursing from her employer evaluating her work performance, from her monitoring facility providing the dates and results of the screenings performed, and from her counselor evaluating her progress in therapy.
5. Ms. Cooper may petition the Board at any time during the limitation period to revise or eliminate any of the above conditions.
6. Violation of any of the terms of the limitation may result in summary suspension of Ms. Cooper's license, the imposition of the stayed portion of discipline, and/or the imposition of additional discipline.

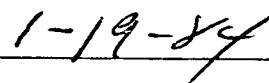
C. The Board has reviewed and noted the previous treatment obtained by Ms. Cooper for her condition. Therefore, the period of limitation shall retroactively commence on July 21, 1983 and continue through to July 21, 1985. Ms. Cooper shall within 15 days following the date of this order return her license to the Bureau of Nursing so that the license may be reissued as a limited license.

BOARD OF NURSING

By:

  
A Member of the Board

Date



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768-691

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

LYNDA B. COOPER, R.N., :  
RESPONDENT. :

STIPULATION

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It is hereby stipulated between Lynda B. Cooper, R.N., personally on her own behalf and Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This stipulation shall be submitted to the Board of Nursing to form the basis for the Final Decision and Order in this matter.
2. Ms. Cooper understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving the allegations by clear and convincing evidence; the right to confront and cross-examine the witnesses; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 to Ms. Cooper under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division for further proceedings.
4. If the Board accepts the terms of this Stipulation, the parties in this action consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

Lynda B. Cooper  
Lynda B. Cooper, R.N.

1/5/84  
Date

Steven M. Gloe  
Steven M. Gloe, Attorney  
Division of Enforcement

1/10/84  
Date

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