

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOANNE AMELL, R.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

ORDER 0001715

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

Joanne Amell, R.N.
445 South Cairns Avenue
Richland Center, WI 53581

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 Joanne Amell 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 State of Wisconsin 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 the Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Joanne Amell, R.N. is duly licensed in the State of Wisconsin as a registered nurse (license #45016); this license was issued on November 15, 1966.

2. In January, 1982 Ms. Amell was diagnosed as suffering from the disease of alcoholism. She received treatment for this condition at Richland Hospital in Richland Center, Wisconsin.

3. In July, 1983 Ms. Amell admitted diverting for her personal use quantities of controlled substances (Dalmane, Chloral Hydrate, Tylenol #2 and #3, Empirin #3 and Darvocet N100) from her employer, Schmitt Woodland Hills Nursing Home, 1400 West Seminary Street, Richland Center, Wisconsin. Ms. Amell was working as a staff nurse at Schmitt Woodland Hills at the time of her diversion of these drugs.

4. Ms. Amell received treatment beginning in July, 1983 for alcohol and drug abuse at La Crosse Lutheran Hospital. She received further treatment in August, 1983 at Richland Hospital.

CONCLUSIONS OF LAW

Ms. Amell, by the conduct described above, is subject to disciplinary action against her license pursuant to Wis. Stats. sec. 441.07(1)(c) and (d) and Wis. Adm. Code secs. N 11.03(3)(a) and (b) and N 11.04(1).

Therefore, it is hereby ORDERED:

- a. The license of Ms. Amell is suspended for a period of one year. The suspension shall be stayed pending the successful completion of the period of license limitation outlined in paragraph (b), below.
- b. The license of Ms. Amell is limited for a period of two years as follows:
 - i. Ms. Amell must remain in a program acceptable to the Board for the treatment of chemical dependency. As a part of her treatment, Ms. Amell must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least one time per month. In addition, she must attend alcoholics or narcotics anonymous at least one time per week.

Upon request of the Board, Ms. Amell must provide the Board with current releases complying with State and Federal laws, authorizing release of her counseling and/or treatment records.

- ii. Ms. Amell must remain free of alcohol and unprescribed controlled substances during the period of limitation.

- iii. Ms. Amell must participate in a program of random, supervised monitoring, on the basis of at least one time per week, for controlled substances and alcohol in her blood or urine. If the therapist supervising Ms. Amell's plan of care deems that additional blood or urine screens are necessary, Ms. Amell must submit to those screens.

Ms. Amell shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as 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 and monitored gathering of specimens for evaluation. They must further agree to file an immediate report with the Bureau of Nursing upon such failures to participate as: if Ms. Amell fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Amell refuses to give a specimen for analysis upon the request of the monitoring facility.

- iv. Ms. Amell shall 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; from her counselor, evaluating her attendance and progress in therapy; and from herself reporting her attendance at AA or NA meetings.
- v. Ms. Amell may petition the Board at any time during the limitation to revise or eliminate any of the above conditions.
- vi. Violation of any of the terms of limitation of this Order may result in summary suspension of Ms. Amell's license, the imposition of the stayed portion of discipline, and/or the imposition of additional discipline.
- c. This Order shall become effective fifteen (15) days following the date of its signing. In consideration of Ms. Amell's previous regimens of treatment, Board grants Ms. Amell 14 months of credit towards the two year limitation.

BOARD OF NURSING

By: 

A Member of the Board

Date 11-16-84

SG:dw
108-967

6. Ms. Amell's current licensure card is attached to this stipulation. Upon acceptance of the stipulation by the Board of Nursing, the license shall be reissued with limitations in accordance with the attached Final Decision and Order. If the Board does not accept this stipulation, the license of Ms. Amell shall be returned to her with the notice of the Board's decision not to accept this stipulation.

7. The Division of Enforcement joins Ms. Amell in recommending the Board of Nursing adopt this stipulation and issue the attached Final Decision and Order.

10-24-84
Date

12-29-84
Date

SMG:kcb
536-002

Joanne Amell R.N.
Joanne Amell, R.N.

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