

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 :

MARY K. BROPHY, R.N., :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 0001743

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

Mary K. Brophy, R.N.
2023 East Washington Avenue
Madison, Wisconsin 53704

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 Mary K. Brophy 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Mary K. Brophy, R.N., is duly licensed in the State of Wisconsin as a registered nurse (License No. 64013); this license was issued on November 21, 1975.

2. Ms. Brophy is suffering from the diseases of alcoholism and diabetes mellitis.

3. On or about August 29, 1983, the combination of these diseases rendered Ms. Brophy incapable of performing her duties as a registered nurse at Madison General Hospital. Ms. Brophy made numerous nursing errors, including:

a. Signing out narcotics for patients to whom Ms. Brophy was not assigned;

b. Preparing medications for patients to whom Ms. Brophy was not assigned;

c. Incorrectly documenting medication as given, again for patients to whom Ms. Brophy was not assigned.

4. Ms. Brophy experienced a two-to-three hour loss of memory during her shift on August 29, 1983.

5. On or about September 30, 1983, Ms. Brophy was admitted for inpatient treatment at DePaul Rehabilitation Hospital in Milwaukee, Wisconsin. Ms. Brophy was discharged from DePaul on November 12, 1983 with a recommended discharge plan of care which included two years of monitoring at Madison Family Institute, weekly attendance at group therapy for professionals, and bi-weekly attendance at Alcoholics Anonymous.

CONCLUSIONS OF LAW

Respondent, by the conduct described above, is subject to disciplinary action against her license pursuant to Wis. Stats. sec. 441.07(1)(c) and Wis. Adm. Code sec. 11.03(4).

Therefore, it is hereby ORDERED:

a. The license of Ms. Brophy 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. Brophy is limited for a period of two years as follows:

i. Ms. Brophy must remain in a program acceptable to the board for the treatment of chemical dependency. As a part of her treatment, respondent must attend group therapy at least one time per week. In addition she must attend Alcoholics Anonymous at least one time per week.

Upon request of the Board, Ms. Brophy must provide the Board with a current release, complying with state and federal laws, authorizing release of her counseling and/or treatment records.

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

iii. Ms. Brophy must participate in a program of random supervised monitoring, on a bi-weekly basis, of controlled substances and alcohol in her blood and/or urine.

Ms. Brophy 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, monitored gathering of specimens for evaluation. It must further agree to file an immediate report with the Bureau of Nursing of such failures to participate as: if Ms. Brophy fails to appear upon request, or if a drug or alcohol screen proves positive, or if Ms. Brophy refuses to give a specimen for analysis upon the request of the monitoring facility.


iv. Ms. Brophy 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 meetings.

v. Ms. Brophy may petition the Board at any time during the limitation period to revise and eliminate any of the above conditions.

vi. A violation of any of the terms of limitation may result in summary suspension of Ms. Brophy'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 this Order. In consideration of Ms. Brophy's regimen of treatment and monitoring which commenced on September 30, 1983, the Board grants Ms. Brophy 10 months of credit towards the two-year limitation period.

BOARD OF NURSING

By: 
A Member of the Board

9-20-84
Date

SMG:kh
912-399

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY K. BROPHY, R.N.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Mary K. Brophy, 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 presented to the Board of Nursing to form the basis for the Final Decision and Order in this matter.

2. Ms. Brophy understands that by the signing of 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, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against her; 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. Wagner under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Ms. Brophy agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

4. 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 of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. Ms. Brophy's current licensure card is attached to this Stipulation. Upon acceptance by the Board of the Stipulation, 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. Brophy shall be returned to her with the notice of the Board's decision not to accept the Stipulation.

7. Also attached to this Stipulation for the Board's review are copies of Ms. Brophy's treatment records.

8. The Division of Enforcement joins Ms. Brophy in recommending the Board of Nursing adopt the Stipulation and issue the attached Final Decision and Order.

Mary K. Brophy
Mary A. Brophy, R.N.

May 31, 1984
Date

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

May 31, 1984
Date

SMG:cls
912-390



dePaul
Rehabilitation
Hospital, Inc.

4143 South 13th St.
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414-281-4400

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treatment facility for
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Corporate Medical Director

Richard L. Hauser, M.D.
Medical Director

John A. Moschnik, CPA
Vice President/Finance

July 16, 1984

Wisconsin State Board of Nursing
Attention: Mr. Steve Gloe
Department of Regulation and Licensing
Division of Endorsement
P.O. Box 8936
Madison, Wisconsin 53708

Dear Mr. Gloe:

This is an initial report to document the treatment and participation of Mary Brophy in the Impaired Professional Program at De Paul Rehabilitation Hospital, Milwaukee. In review, Miss Brophy entered inpatient treatment on 9/30/83 and was discharged 11/12/83. Upon discharge Miss Brophy returned to independent living in Madison. Her current recovery program consists of the following:

1. Random witnessed urine screens, once weekly, all of which have remained negative for mood altering chemicals since Miss Brophy's entrance into the program.
2. Weekly support group meetings at Apec-West, Madison. Miss Brophy's aftercare counselor at that facility is Claudio Greco. Initially, in addition to support group, individual counseling sessions were ordered on a weekly basis with Miss Greco. At this time, these sessions are on P.R.N. basis.
3. Attendance at approximately two to three A A Meetings weekly.

Miss Brophy is employed full time at Madison General Hospital, in the R.N. float pool, at that facility. Work assignments are primarily on the day and PM shift. I have recently spoken with Miss Brophy's immediate supervisor at Madison General Hospital and received positive feed back regarding her professional performance.

KK
7-20-84

I have been in recent contact with Claudia Greco who has substantiated Miss Brophy's consistent attendance in her after care treatment.

To the best of our knowledge, Miss Brophy remains chemically free of mood altering drugs and continues to succeed in her recovery efforts. She remains in full compliance with the Impaired Professional Program at this time.

If you need any further information please feel free to contact me at (414) 281-4400, Ext. 581.

Sincerely,

Nancy Cervenansky, R.N.

Nancy Cervenansky, R.N., B.S.N.
Coordinator
Impaired Nurse Program



David Benzer, D.O.
Senior Attending Physcian