

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

LYNDA ANN RYDER, R.N., :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 0001751

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

Lynda Ann Ryder, RN
Rural Route 6, Box 214
Eau Claire, Wisconsin 54701

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 Lynda Ann Ryder 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 Lynda Ann Ryder, hereinafter called the respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 441, Stats., to practice as a registered nurse in the State of Wisconsin.

2. That the respondent's registered nurse license is #66038, issued on September 17, 1976.

3. That the respondent's address is Rural Route 6, Box 214, Eau Claire, Wisconsin 54701.

4. That on or about February 2, 1983, the respondent forged a prescription for 60 Tylenol #3 tablets and on February 2, 1983, presented said forged prescription at Urheim Pharmacy, Eau Claire, Wisconsin.

5. That the pharmacist on duty at Urheim Pharmacy recognized the prescription as a forgery and did not fill said prescription.

6. That Tylenol #3 is Schedule III controlled substance under the Wisconsin Uniform Controlled Substances Act.

7. That on or about January 17, 1983 the Respondent forged a prescription for 40 Percocet-5 tablets and on January 17, 1983, presented said forged prescription at Lehman's Drug Store, Eau Claire, Wisconsin.

8. That said prescription was filled by Lehman's Drug Store on January 17, 1983.

9. That Percocet-5 is a Schedule II controlled substance under the Wisconsin Uniform Controlled Substances Act.

10. That on or about January 19, 1983, the Respondent forged a prescription for 40 Percocet-5 tablets and on January 19, 1983, presented said forged prescription at Walgreens Drug Store, Eau Claire, Wisconsin.

11. That said prescription was filled at Walgreens Drug Store on January 19, 1983.

12. That Percocet-5 is a Schedule II controlled substance under the Wisconsin Uniform Controlled Substances Act.

13. That attached as exhibits are a statement from the Respondent and letters concerning the Respondent's treatment by James A. Rugowski, M.D.

CONCLUSIONS OF LAW

1. That the activities described above constitute unprofessional conduct as defined by the Wisconsin Administrative Code, section N 11.04(1).

2. That the Board of Nursing has jurisdiction to take discipline against the Respondent pursuant to Chapter 441, Stats.

NOW, THEREFORE, IT IS ORDERED:

1. That in lieu of imposing discipline, the Board of Nursing accepts the voluntary surrender of the Respondent's license as a registered nurse, #66038.

2. That the above Findings of Fact and Conclusions of Law constitute a Final Decision in this matter and may form a basis for denial of license should the Respondent ever reapply for licensure.

BOARD OF NURSING

By: 

A Member of the Board

7-19-84
Date

MJB:imp
6060

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LYNDA ANN RYDER, R.N.,
RESPONDENT.

:
:
:
:
:
:
STIPULATION

It is hereby stipulated by the parties as follows:

1. That by signing this Stipulation, the Respondent voluntarily and knowingly waives her rights in this matter, including the right to a hearing on the allegations against her.

2. That this Stipulation and attached Final Decision and Order shall be submitted to the Board of Nursing for purposes of reaching a final resolution of this matter.

3. That the Respondent requests that the Board adopt this Stipulation and the attached Final Decision and Order. The Respondent is physically unable to continue her nursing career due to the very severe deterioration of her knee. Her medical condition would also make it extremely difficult to contest these charges at a hearing.

4. The complainant also urges acceptance and adoption of these documents..

5. If the terms of the Stipulation and attached Final Decision and Order are not acceptable to the Board of Nursing, then neither party shall be bound by any of the terms.

Michael J. Berndt
Michael J. Berndt
Attorney for Complainant

6/27/84
Date

Lynda Ann Ryder
Lynda Ann Ryder, R.N.
Respondent

7-3-84
Date

John A. Kaiser
John A. Kaiser
Attorney for Respondent

7/3/84
Date

STATEMENT OF
Lynda Ann Ryder, R.N.

I have received my copy of a notice of hearing in the matter of the disciplinary proceedings against myself, Lynda A. Ryder, R.N. I am writing to make answer to the complaints as were presented to me.

I worked at Luther Hospital in Eau Claire from June, 1976 to October, 1978 as a staff nurse on an Orthopedic unit. During this time I underwent three surgical operations, removal of my left kneecap, removal of a cartilage in my left knee and an appendectomy with removal of bowel adhesions. Needless to say this was all pretty difficult and frustrating for someone who had wanted to be a nurse more than anything in the world ever since I had two previous surgeries on my left knee. My first surgery was a patella tendon transplant at the age of thirteen. The result of this surgery was an over-correction by my surgeon which required another major surgery less than two years later.

In spite of this physical problem and people trying to dissuade me from going into the nursing field I fought the odds and worked extremely hard to accomplish this goal. I was also given a very hard time by the Nursing Administration because of the time I was forced to take off from work for these surgeries. Even though they could find nothing wrong with my ability to do my job as well as anyone else, their continued pressure made me decide to resign from my job.

My next job was in a nursing home which I liked very much, but within a few months after starting I was again having problems with my knee and was told by my doctor to take a couple of weeks off. This was O.K.ed by the Director of Nursing but after returning in less than the two weeks I was told by the Director of Nursing who had always told me that I was an excellent nurse, that I had been replaced because of scheduling problems.

After this I developed pericarditis, a peptic ulcer, an abscess requiring surgery, and further knee surgery which, all in all, required an extended period of recuperation. Maybe this is not the information that you are wanting, but by providing you with a brief history of what I went through for several years may hopefully be of some benefit to you in understanding me better as a person. This is my hope. During all this time I was single and remain so today.

After all of these illnesses and surgeries I was very grateful to finally obtain a job working as a float nurse at Midelfort Clinic in Eau Claire. I was later given a permanent position working with two doctors in two specialty areas. I worked at Midelfort Clinic from September 1981 to February 1983. In February 1982 my patellar tendon tore without injury which required another extensive surgery and more time off from work. I pushed myself very hard after this as I was afraid that I would lose my job and feel like a failure again.

Next I shall attempt to explain to the best of my recollection the events that took place surrounding and during the time of the state charges and my termination of my employment.

I had a lot of emotional problems and stresses that accumulated during December, 1982 and January 1983. Two of my friends died, another threatened suicide and would call me several times a day to discuss problems, and also there were some family upsets at this time. It seemed that one thing was happening right on top of another and I was very upset as a result of all of this turmoil, probably more so than I even realized at the time.

I remember having a tremendous difficulty with sleeping for approximately three weeks, obtaining maybe only one or two hours of sleep a night. I am sure I was becoming emotionally as well as physically exhausted. I guess at the time I felt that there was really no one I could confide in and things just kept bottling up inside of me.

I finally became quite sick the first week in January and was given medication for abdominal cramps and diarrhea. The following week I sustained a laceration to my left hand requiring several stitches. I tried to work with my hand bandaged and hurting.

Dr. Resar, a doctor who worked in the same general area as I did but whom I did not know well, apparently noticed that I looked uncomfortable and questioned me about what had happened to my hand. I told him, and without me asking him for anything he wrote out a prescription for Tylenol #3 and handed it to me. Instead of relieving the pain and allowing me to rest, the pain increased and I became unable to sleep at all. A lot of the time I felt like I was living in a haze, my hand was hurting a lot and I think that emotionally I was "at the end of my rope."

I nearly fainted one day while at work and Dr. Fabiny, an O.B. doctor who happened to be nearby, was summoned by another nurse. When he asked me what was wrong I explained what I had done to my hand and that it was really throbbing badly that day. I asked him if I should unwrap it so he could look at it and he said no. I told him that I had been taking Tylenol #3 for it. He wrote me out a prescription for Percocet and told me to take two tablets at a time.

I was also taking Naprosyn, an anti-inflammatory medication, for my knee at the same time. I started taking two Percocet tablets every 3-4 hours as prescribed and 2-3 Tylenol #3 tablets in-between because I was having a lot of pain and although I did not know it at the time, I was forming a large abscess in the palm of my hand. It seemed that these pills started to give me an emotional lift almost like a numb, no cares type attitude. It was in a way a sort of release from my emotional turmoil. I know that I have never felt this way at any time in my life and it is very difficult to describe because at this point it is very difficult to recall. I am sure now that several times I lost track of time and schedule for these medications and took several more than I should have not realizing what I was doing, and now looking back after a year has passed I am not sure if I even cared or had the ability to care at that time.

I cannot recall where I was when I forged these prescriptions. No matter how hard I try to recall this I cannot be certain. I did not need the Percocet prescription that I forged because I later found that I still had some pills left from the original prescription from Dr. Fabiny. When I got the second forged prescription for Percocet I still had several pills left from the first one. I couldn't have taken 40 tablets in less than two days and still have been walking around. I guess my mental faculties were impaired to the point where I was not thinking at all by that time.

Why I wrote the prescription for Tylenol #3 when I already had several bottles half full at home makes no sense. I even took the forged prescription for the Tylenol #3 to Urheim Pharmacy which is located right in Midelfort Clinic, a place where I would have known that my chances were highest of being caught had I been thinking at all clearly.

After I quit taking these pills I became quite ill for several days with vomiting and diarrhea. When the pills were out of my system and my life began to come into focus again and the seriousness and implications of what I had done were realized as a reality and not as a nightmare, I reached the point where I did not know if I could go on anymore. I immediately and voluntarily went into psychiatric treatment. I was told by the administrator of the clinic that I should take some time off and everything would be worked out. A few days later I received a letter of termination in the mail.

At this point in my life I have lost my job in nursing, a job that I truly loved and took very seriously. I have lost my apartment, have had to get rid of some of my possessions and I am in very poor shape financially. My whole life has been turned upside down. I have not worked since this incident occurred. I have had to move back with my parents. I receive no financial assistance. I have voluntarily gone through over one year of psychiatric treatment. I am told that I am a quite normal person who has had many stresses and battles to fight in my young life. I was told by my psychiatrist that I was not a drug addict from the beginning, which I knew. My religious faith has become stronger and that is how I have managed to hang on. I have learned a most humiliating and painful lesson. In spite of all this, I know I have become a much stronger person who has learned how to cope in spite of the problems and disappointments that we are sometimes given in this life.

In June, 1983 I underwent yet another surgical procedure on my knee. It improved until October, 1983 when I began to be bothered with pain, swelling and immobility. I was given a referral to Mayo Clinic after my doctor in Eau Claire said there was nothing further that could be done. I was seen in Rochester on January 12, 1984 and was told that I have several problems again including loose bone fragments, adhesions, spurs, a lot of inflammation and perhaps a tendon that is wearing out. They have recommended two surgical procedures in an attempt to correct these problems to the best of their ability. I am told that my knee will never be perfect, and might not ever be good, but at least I

shouldn't have to suffer the way I have been for so many years, and especially the last few months. The first procedure is tentatively scheduled to take place within the next few weeks. The second, which requires rebuilding the tendon and transplanting bone will probably take place sometime this spring. I had returned to school to start retraining in another field, but because of these problems I have been advised to quit. I am not able to do much walking at all because of the severe inflammation, I am unable to sit with my knee bent for more than just a few minutes at a time, so at the present time I am quite immobile and will probably remain so for several months even following surgery. I cannot travel by car for more than approximately ten miles without excruciating pain. Therefore I must advise you that I am unable to come to Madison for the scheduled hearing. Also that is just about the time I will probably be scheduled for the second surgery barring any unforeseen complications.

I don't expect to work in the nursing field at any time in the near future and probably never again. It has become quite impossible for me to consider a job in nursing realistically due to my physical limitations. My doctors agree with this based on my past history and my current status. I know that there are many healthy people looking for work in the nursing field and based on my past health history and past turn-downs for employment based on this history, I would very strongly doubt that anyone would be willing to hire me. However, as strange as this may sound, I would still like to retain my nursing license because it always has and always will mean a lot to me. I have spent over one half of my life wanting that and working very hard to obtain it. I know that I have been a good nurse and have always behaved in a very professional manner until this incident occurred. I understand fully that the Board of Nursing has jurisdiction to take disciplinary action against me. The complaints listed against me are true and correct. I only wish that I could roll back the clocks of time but I know this is not possible. I have been punishing myself for what I have done for over a year now. Through my psychotherapy I have learned that I "have done my time" and now it is time to stop punishing myself and try to get on with my life. In the past few months I have refused any type of pain medication for my knee pain. I have taken only a few anti-inflammatory pills prescribed for me and before taking them I have received a second opinion from my psychiatrist. As per my agreement with the State of Wisconsin, at the end of this month my case will be closed. A report from my psychiatrist was in part a basis for this agreement. I have been told by my psychiatrist that he was never contacted by the Division of Enforcement of the Department of Regulation and Licensing. I had given written permission for this to be done.

I must waive my right to be present at the hearing scheduled for May 3, 1984 due to the previously mentioned circumstances beyond my control. I will accept whatever disciplinary action you deem to be necessary. All I am asking is a fair decision based upon the facts and circumstances which I have attempted to outline in this statement

and which are true and accurate to the best of my knowledge.

I hereby declare that this statement was prepared by myself and that the statements are within are true and accurate to the best of my knowledge. .

Lynda A. Ryder
Lynda A. Ryder

Route 6, Box 214
Eau Claire, WI 54701

March 14, 1984



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February 11, 1983

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DENNIS A. OLSON

John A. Kaiser, Attorney at Law
Losby, Riley, Farr & Ward
P.O. Box 358
Eau Claire, WI 54702

Re: Lynda A. Ryder

Dear Attorney Kaiser:

I am in receipt of your letter and signed authorization for release of information concerning Ms. Lynda Ryder and my psychiatric impressions concerning her in relation to her recent alleged forgeries of prescriptions.

Ms. Ryder is a woman who has had many physical difficulties including several knee surgeries, and consequently has been exposed to a variety of medications, often of the analgesic type, in recent years. Although it is possible that she has used these excessively or inappropriately at times, I do not think that she is truly dependent on these medications for a variety of reasons including the fact that the codeine in Tylenol #3 does not have the abuse potential as do other analgesic medications, and there is no substantiated history that Ms. Ryder has been abusing other medications or Tylenol #3 in the past. I therefore feel that her alleged prescription forgery should be viewed as a more isolated event. However, I do think that Ms. Ryder suffers from some underlying personality difficulties, primarily of the hysteroid type, and that her drug abuse, alleged prescription forgery, and subsequent lying about these events are symptomatic of underlying difficulties. If her personality difficulties are not addressed in a treatment or therapeutic program, I am fearful that she could be at greater risk to become chemically dependent or become involved in other behavioral difficulties in the future.

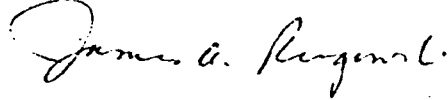
Consequently, I would recommend that Ms. Ryder become involved in psychotherapy for at least six months' duration, with the therapist of her choice. Ideally, during this time her potential chemical dependency could be further assessed and her drug usage carefully monitored, with her having no access to prescription drugs without the consent of her treating psychiatrist. Should inpatient chemical dependency treatment be deemed appropriate, this would be recommended in the course of her outpatient treatment.

John A. Kaiser, Attorney at Law
Re: Lynda A. Ryder
February 11, 1983

Needless to say, Ms. Ryder has suffered considerable psychological trauma as a result of her alleged prescription forgeries. This trauma includes the termination of her employment. In my opinion, these consequences of her behaviors will constitute a reasonable deterrent to a repetition of these behaviors in the near future and I therefore do not think that legal pursuit of these behaviors is necessary or would ultimately be advantageous to her.

I hope this information is helpful to you in assisting Ms. Ryder. Please feel free to call or write if you would like to discuss my impressions or recommendations.

Very truly yours,

A handwritten signature in cursive script, reading "James A. Rugowski".

James A. Rugowski, M.D.
Department of Psychiatry

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June 21, 1983

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John A. Kaiser, Attorney at Law
P.O. Box 358
Eau Claire, WI 54702

Re: Lynda A. Ryder

Dear Attorney Kaiser:

I am in receipt of your letter of June 17 and a photocopy of the agreement between Ms. Ryder and the State of Wisconsin through District Attorney Rodney Zemke. As per that agreement, Ms. Ryder has continued to be seen in outpatient psychotherapy by me and has maintained telephone contact with me between sessions. To my knowledge, she has not been abusing any controlled substances and she has thus far abided fully to the stipulations of the agreement.

I hope this information is helpful to you in further assisting Ms. Ryder. Please feel free to call if you have any questions.

Very truly yours,

James A. Rugowski, M.D.
Department of Psychiatry

ib

cc: Lynda A. Ryder

MIDELFORT CLINIC, LTD.

EAU CLAIRE, WISCONSIN 54702

November 1, 1983

Rodney A. Zemke
District Attorney
Eau Claire County Courthouse
Eau Claire, WI 54701

Re: Lynda A. Ryder

Dear District Attorney Zemke:

I am writing to update you concerning the progress and treatment of Miss Lynda Ryder, who was ordered by the court to receive psychiatric approval for the use of any medications and be involved in outpatient psychotherapy, on February 25, 1983.

Miss Ryder has continued to comply with the court order. She has been seen psychotherapeutically, and to my knowledge has not taken any analgesic medications. She does have a serious condition involving her knee and, through her orthopedist, will be given a trial of an anti-inflammatory agent, but this medication is not considered to be a drug of potential abuse. Miss Ryder has also begun a vocational school course in medical records and does not plan to pursue her former career as a nurse. I will continue to see Miss Ryder, per the court order, through at least March 1984 and will attempt to keep you informed concerning her progress.

Very truly yours,

James A. Rugowski, M. D.
Department of Psychiatry

ib

cc: John A. Kaiser

Copy