

## 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

GENEVIEVE M. PACKARD, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER

ORDER 0001757

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

Genevieve M. Packard  
2012 South 36th Street, Apt. A  
Milwaukee, WI 53215

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 Genevieve M. Packard 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 Genevieve M. Packard, 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 registered nurse in the State of Wisconsin.
2. That the respondent's registered nurse license is number 68683, issued on September 16, 1977.
3. That the respondent's address is 2012 South 36th Street, Apt. A, Milwaukee, Wisconsin 53215.
4. That from approximately 1979 through April, 1982, the respondent converted to her own use and self-administered various controlled substances, including Empirin #3, Tylenol #3, Valium, Percodan and Tuinal on approximately a daily basis while working as a registered nurse at Mt. Sinai Medical Center, 950 N. 12th Street, Milwaukee, Wisconsin 53201.
5. That all the substances listed above are controlled substances under the Wisconsin Uniform Controlled Substances Act.
6. That the respondent procured said medications in various ways, but never diverted medication such that a patient failed to receive an ordered medication.
7. That all drugs diverted were for the respondent's private use.
8. That on April 15, 1982, the respondent began inpatient treatment at DePaul Rehabilitation Hospital, Milwaukee, Wisconsin.
9. That on May 14, 1982, the respondent completed inpatient therapy and was admitted to the outpatient treatment program for impaired nurses. The respondent's rehabilitative efforts are described by the attached exhibits.
10. That the respondent has participated in random witnessed urine drug screens since May, 1982 and all such screens have proved negative.
11. That from January, 1983, to November, 1983, the respondent worked as a waitress at the El Dorado Supper Club in Wauwatosa, Wisconsin. Since November, 1983, the respondent has worked at the Southgate Weight Loss Clinic, Milwaukee, Wisconsin, as a nurse nutritional counselor.

#### CONCLUSIONS OF LAW

1. That the conversion and self-administration of controlled substances as described above, constitutes moral delinquency and unprofessional conduct as defined by Wisconsin Administrative Code Section N 11.03(3)(b) and N 11.04(1).

2. That pursuant to Section 441.07, Wisconsin Statutes, unprofessional conduct and violation of Board rules, constitute bases for the Board to take disciplinary action against the respondent.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license to practice registered nursing of the respondent, Genevieve M. Packard, shall be and hereby is suspended for a period of one year. Said suspension is hereby stayed pending successful completion of the two year period of limitation outlined below.

IT IS FURTHER ORDERED that the license to practice registered nursing of the respondent shall be limited for a period of two years, commencing 15 days following the date of the Board's final order in this matter. The limitations are as follows:

1. The respondent must inform current and prospective employers of her history of drug abuse.
2. The respondent must inform the Board of Nursing of any change in her employment status within five days of such change.
3. The respondent shall not consume any unprescribed prescription drugs or controlled substances.
4. The respondent shall continue with her outpatient program as set forth in the attached exhibits.
5. The respondent must participate in a program of random and witnessed monitoring of her blood or urine for the presence of controlled substances. Said monitoring shall take place on approximately a twice a month basis. In consideration of the respondent's negative drug screens since May, 1982, the Board grants the respondent 12 months of credit toward the two year monitoring requirement.
6. Respondent is responsible for obtaining a monitoring facility and reporting system acceptable to herself and to the Board of Nursing as an accurate and reliable provider of the required evaluations. The respondent shall be responsible for all costs incurred in conjunction with the monitoring and reporting program. The respondent's current program is acceptable to the Board.
7. To be an acceptable program, the monitoring facility must agree to provide random, monitored, gathering of specimens for evaluation. The facility must further agree to file an immediate report with the Board of Nursing and the supervising therapist in the event of the following acts of non-participation:
  - a. If the respondent fails to appear upon request.
  - b. If the monitoring screen proves positive.
  - c. If the respondent refuses to provide a specimen for analysis upon the request of the facility.

In the event of a positive screen, the monitoring facility must agree to retain the specimen for provision to the Division of Enforcement.

6. The monitoring program shall be overseen by a supervising therapist. The respondent shall cause the supervising therapist to file quarterly reports to the Board of Nursing addressing the respondent's status in the program. All positive drug screens and all failures to meet conditions of the program shall be reported immediately and said report shall contain a recommendation as to whether further disciplinary action is required by the Board.

7. The respondent shall cause her work supervisor to send written quarterly reports to the Board of Nursing for evaluating the respondent's work performance.

8. The respondent may petition the Board at any time during the period of limitation to revise or eliminate any or all of the above conditions.

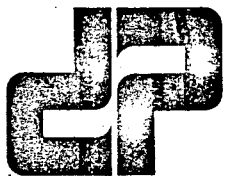
9. Violation of any of the terms of this Order may result in summary suspension of the respondent's license, the imposition of the stayed portion of discipline and/or the imposition of other discipline as the Board may deem appropriate.

BOARD OF NURSING

By: Tevin McBack  
A Member of the Board

3-30-84  
Date

MJB:dms  
121-114



**dePaul**  
Rehabilitation  
Hospital, Inc.

4143 South 13th St.  
Milwaukee, WI 53221  
414-281-4400

Roland E. Herrington, M.D.  
Director  
Impaired Professional Program

March 14, 1984

Mr. James Krudwig  
Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8936  
Madison, WI 53708

RE: GENEVIEVE PACKARD

\* NOTE - UNDERSCORING  
WAS DONE BY A  
STATE INVESTIGATOR.

Dear Mr. Krudwig:

This is a report to document the treatment and continued participation of Genevieve Packard in the Impaired Professional Program at De Paul Rehabilitation Hospital. In review, Ginny entered inpatient treatment on April 15, 1982 and was discharged on May 14, 1982. On May 18, 1982, Ginny entered the Impaired Professional Program and continues to participate with a current treatment plan as follows:

- 1) Random witnessed urine screens one time weekly. With the exception of one urine screen dated February 16, 1983 positive for alcohol, all of the following screens to the present have remained negative for mood altering chemicals. There have been numerous positive screens for Acetaminophen. Enclosed you will find copies of progress notes pertaining to the February 1983 positive urine screen for alcohol. As stated, a false positive presumed to have occurred.
- 2) Participation in Community AA/NA. Ginny attends one NA meeting weekly.
- 3) Participation in a Drug Free Program at De Paul with Drug Free support group meetings two times weekly and one to one counseling sessions weekly. I have communicated with Ann Youmans, Drug Free Counselor and obtained positive feedback regarding Ginny's attendance and participation in this program. She is in the final phase of the program.

Ginny is currently employed at Weight Loss Clinic, Southgate Branch, Milwaukee, full-time since November, 1983. Prior to this report, I spoke with Yvonne Jahnke, Director of the clinic and received very positive feedback regarding Ginny's professional performance. She is practicing nursing in a safe and professional manner at this time.

It is the treatment team's opinion that Ginny has made progress in her treatment and has acquired insight into her illness and the need to maintain a strong program of recovery. She has been encouraged by the treatment team to become more active in the AA community and increase meeting attendance.

Ginny's expected completion date for the Impaired Professional Program is May 18, 1984. I have sent a copy of the current release of information I have on file for the Wisconsin State Board of Nursing to the Medical Records Department and instructed that department to send all of Ginny's outpatient medical records to the Board.

If you have any further questions or need additional information, please feel free to contact me or Dr. David Benzer at (414) 281-4400 x581.

Sincerely,

*Nancy Cervenansky, R.N.*

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

*D. G. Benzer*

David G. Benzer, D.O.  
Senior Attending Physician

NC/dk

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

GENEVIEVE M. PACKARD, R.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 against her, at which time the State has the burden of proving those 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 on her own behalf, 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 by 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 Board of Nursing for purposes of reaching a final resolution in this matter.

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

4. The parties urge acceptance by the Board of Nursing of this Stipulation and attached Final Decision and Order.

Michael J. Berndt  
Michael J. Berndt  
Attorney for Complainant

3/21/84  
Date

Genevieve Packard, R.N.  
Genevieve M. Packard, R.N., Respondent

3-23-84  
Date

MJB:ma  
5619