

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BARBARA JOAN GRADY, R.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

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

Barbara Joan Grady, R.N.
2520 North Stowell, #206
Milwaukee, WI 53211

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 Barbara Joan Grady 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. On September 11, 1984, Barbara Joan Grady pled guilty and was convicted in the Circuit Court of Winnebago County, Rockford, Illinois of the misdemeanor offense of unlawful acquisition of a controlled substance (Demerol). A guilty plea was in addition entered for an amended charge of possession of a controlled substance, without entry of a judgement of conviction. Ms. Grady was placed on 18 months first offender probation.

2. On March 6, 1984, Ms. Grady entered the inpatient treatment program at DePaul Rehabilitation Hospital in Milwaukee, Wisconsin. After successful completion of the inpatient phase of treatment, she was discharged on April 26, 1984 to residency at Bremen House, a halfway house run by DePaul Rehabilitation Hospital. Ms. Grady was discharged from Bremen House to independent living on September 1, 1984. She transferred to an evening impaired professional support group, which she finished on January 24, 1985.

3. Ms. Grady commenced work as outpatient nurse at DePaul Rehabilitation Hospital on September 4, 1984, and continues to work in this capacity.

CONCLUSIONS OF LAW

By the conduct described above, Barbara Joan Grady, R.N. is subject to the imposition of disciplinary action against her license pursuant to Wis. Stats. 441.07(1)(c) and (d).

Therefore, it is hereby ORDERED:

- (a.) The license of Ms. Grady 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. Grady is limited to a period of two years as follows:
 - i. Ms. Grady must remain in a program acceptable to the Board for the treatment of chemical dependency. As a part of her treatment, Ms. Grady must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least one time per week. In addition, Ms. Grady must attend Alcoholics Anonymous or Narcotics Anonymous at least one time per week.
 - ii. Upon request of the Board, Ms. Grady must provide the Board with current releases complying with state and

federal laws, authorizing release of her counseling, treatment and/or monitoring records.

- iii. Ms. Grady must remain free of alcohol and controlled substances not prescribed for a valid medical purpose during the period of limitation.
- iv. Ms. Grady 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 and/or urine. If the therapist supervising Ms. Grady's plan of care deems that additional blood or urine screens are necessary, Ms. Grady must submit to those screens.

Ms. Grady 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 gatherings of specimens for evaluation. It must further agree to file an immediate report with the Board of Nursing upon such failure to participate as: if Ms. Grady fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Grady refuses to give a specimen for analysis upon the request of the monitoring facility.

- v. Ms. Grady shall arrange for written quarterly reports to the Board 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 A.A. or N.A. meetings.
- vi. Ms. Grady shall inform the Board within five (5) days of any change in her employment status.
- vii. Ms. Grady may petition the Board at any time during the limitation period to revise or eliminate any of the above conditions.
- viii. Violation of any of the terms of limitation of this order may result in summary suspension of Ms. Grady'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. Grady's

regimen of treatment which commenced on April 6, 1984, the Board grants Ms. Grady 13 months of credit toward the period of limitation.

BOARD OF NURSING

By: _____

A Member of the Board

5-20-85
Date

SG:kcb
6598

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
THE LICENSE OF

BARBARA JOAN GRADY, R.N.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Barbara Joan Grady, R.N. personally and on her 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. Grady 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, in which the State has the burden of proving the allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine 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. Grady under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

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

4. This stipulation is entered into as a result of a pending investigation of Ms. Grady's licensure by the Division of Enforcement (Case File #84 NURSE 86). Ms. Grady consents to the resolution of this investigation by stipulation without the issuance of a formal complaint.

5. If the terms of the stipulation are not acceptable to the Board, the parties shall not be bound by the contents of the stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

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

7. Ms. Grady's current licensure card is attached to the 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. Grady shall be returned to her with a notice of the Board's decision not to accept the stipulation.

8. Also attached for the Board's review in conjunction with the stipulation are copies of reports on her treatment and progress in treatment from Ms. Grady's health care provider.

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

Barbara Joan Grady Rn.
Barbara Joan Grady, R.N.

April 22, 1985
Date

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

April 26, 1985
Date

SMG:kcb
3669