

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

ORDER 0001419

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. Carolyn Heller, R.N., is duly licensed as a registered nurse in the State of Wisconsin (license #28279); this license was issued on October 10, 1953).

2. At all times relevant herein, Ms. Heller was employed as Director of Nursing of Roseville Manor at 8526 West Mill Road, Milwaukee, Wisconsin.

3. Beginning approximately in May of 1983 and continuing on through September, 1983, Ms. Heller diverted controlled substances from her employer's supplies for her personal use. Ms. Heller falsified nursing home records to cover her diversion of drugs.

4. On October 1, 1983, Ms. Heller entered an in-patient program at Hazelden Foundation in Center City, Minnesota, for treatment of chemical dependency. Ms. Heller completed this in-patient program and was granted a staff approved discharge on November 1, 1983.

5. Ms. Heller was previously treated for substance abuse at Hazelden (for alcoholism in 1972), at Dewey Center (for alcoholism and barbituate dependence in 1979), and DePaul Rehabilitation Hospital (for sedative dependence in 1981).

6. After her discharge from Hazelden in 1983, Ms. Heller returned to her position as Director of Nursing at Roseville Manor. Upon her return, all contact with medication was removed from her job description.

7. Since November 1, 1983, Ms. Heller has continued with out-patient treatment as follows:

- a. Attendance at AA three times per week.
- b. Participation in the Elmbrook Memorial Hospital out-patient program including weekly group therapy and lectures.
- c. Weekly random urine screens from December 5, 1983 to December 19, 1983; and thereafter monthly random urine screens from December 19, 1983 to the present. All urine screens have turned up negative for the controlled substances targeted for examination.

CONCLUSIONS OF LAW

Ms. Heller, by the conduct described above, is subject to disciplinary action her license pursuant to Wisconsin Statutes 441.07(1)(c) and (d) and Wisconsin Administrative Code sec. N11.03(3)(b) and N11.04(1).

Therefore, it is hereby ORDERED:

a. The license of Ms. Heller is suspended for a period of one year. This suspension shall be stayed pending the successful completion of the period of license limitation outlined in paragraph b, below.

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

1. Ms. Heller must remain free of alcohol and unprescribed controlled substances during the period of limitation.
2. Ms. Heller must remain in the counseling program recommended by Hazelden and Elmbrook Memorial Hospital (as outlined in documents accompanying the attached Stipulation).

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

3. Ms. Heller must remain in an employment setting in which she does not have access to controlled substances.
4. Ms. Heller must participate in a program of random supervised monitoring on a basis of three times per month of controlled substances and alcohol in her blood and/or urine.

Ms. Heller 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. They must further agree to file an immediate report with the Bureau of Nursing of such failures to participate as: if Ms. Heller fails to appear upon request; if a drug screen proves positive; or if Ms. Heller refuses to give a specimen for analysis upon the request of the monitoring facility.

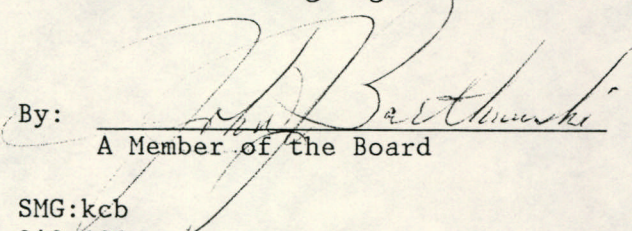
5. Ms. Heller shall arrange for written quarterly reports to the Bureau of Nursing from her employer evaluating her work performance, from her monitoring facility providing dates and

results of the screenings performed, and from her counselor, evaluating her progress in therapy.

6. Ms. Heller may petition the Board at any time during the limitation period to revise or eliminate any of the above conditions.
7. In consideration of Ms. Heller's participation in a treatment program from October 1, 1983 to the present, the Board grants Ms. Heller 16 months of credits towards the two year limitation period.
8. Violation of any of the terms of the limitation may result in summary suspension of Ms. Heller's license, the imposition of the stayed portion of the discipline, and/or the imposition of additional discipline.

c. This order shall become effective fifteen (15) days following the date of the signing of the order.

By:


A Member of the Board

3-19-85
Date

SMG:kcb
943-101

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

CAROLYN HELLER, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

It is hereby stipulated between Carolyn Heller, RN, personally and by her Attorney Sherman Abrahamson and Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Heller's licensure as a registered nurse by the Division of Enforcement (case file #83 NURSE 101). Ms. Heller consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Heller 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 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 her 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 official who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to Ms. Heller under the United States Constitution, the Wisconsin Constitution the Wisconsin Statutes and the Wisconsin Administrative Code.

3. 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.

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

5. Ms. Heller agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The Final Decision and Order, as attached, is incorporated as a part of this Stipulation. In addition, Ms. Heller agrees the Board may review the attached treatment records in conjunction with their consideration of this case.

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

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

Date January 21, 1985

Carolyn Heller, R.N.
Carolyn Heller, RN

Date January 24, 1985

Sherman S. Abrahamson
Sherman Abrahamson, Attorney for
Ms. Heller

Date January 28, 1985

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

SMG:kh
100-141