

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 :

KATHERINE M. JOHNSON, R.N., :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 0001709

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

Katherine M. Johnson
2016 89th Street
Kenosha, WI 53140

Board of Nursing
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

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 Katherine M. Johnson 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 Katherine M. Johnson, hereinafter the respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 441 of the Wisconsin Statutes to practice as a registered nurse in the State of Wisconsin.

2. That the respondent's registered nurse license is number 41780, issued on December 16, 1963.

3. That the respondent's address is 2016 89th Street, Kenosha, Wisconsin 53140.

4. That from 1981 until October, 1984, the respondent converted medications to her own use while working as a registered nurse at St. Catherine's Hospital, 3556 Seventh Avenue, Kenosha, Wisconsin 53141. That said conversions occurred on an unknown number of dates.

5. That the medications converted included Xanax, Darvocet N 100, and Valium. That said medications are controlled substances under the Uniform Controlled Substances Act.

6. That in October, 1985, the respondent commenced a rehabilitation program. At the counseling session on October 28, 1985, the respondent learned that a drug screen taken at the prior session had proved positive. As a result of the positive screen, the respondent was terminated from employment as of October 28, 1985, and has not been employed as a nurse since. The respondent denies ingesting any unprescribed drugs so as to result in a positive screen.

CONCLUSIONS OF LAW

1. That converting medications to one's own use as described above constitutes unprofessional conduct as defined by Wisconsin Administrative Code Section N 11.04.

2. That pursuant to Section 441.07, Stats., violation of board rules and unprofessional conduct constitute grounds for the board to take disciplinary action against the respondent.

Therefore, it is hereby ORDERED:

1. That the registered nurse license of Katherine M. Johnson, respondent, is hereby suspended for an indefinite period of time, effective on the date of this order and extending for a period of at least three months. The license may be reinstated upon proof satisfactory to the board that the respondent is physically and psychologically capable of safely practicing as a registered nurse. Such evidence shall at a minimum consist of the following:


- a. A petition from the respondent indicating why she is seeking the reinstatement of her license and why she feels capable of returning to practice as a nurse;

- b. A report from the respondent's primary counselor at a drug program acceptable to the board addressing the respondent's compliance with and progress in a rehabilitation program and indicating that the respondent has not had any drug relapses since the date of this order. The report must also address whether continued counseling or therapy is recommended;
- c. A report from a physician or psychiatrist who has examined the respondent at a time proximate to the date of the petition for reinstatement, indicating the respondent has no health problems, including drug or alcohol dependency or any mental or emotional disorder which would prevent her from safely and competently practicing as a registered nurse. In addition, the report must identify whether any continued counseling or therapy is recommended and should identify any prescribed drugs being taken by the respondent and the effect of each drug on the respondent's behavior; and
- d. A letter from the respondent's current employer, if the respondent is employed in any capacity, evaluating the respondent's work performance.

2. That if the respondent is reinstated, she shall be issued a limited license for a period of two years under terms and conditions as deemed appropriate by the board. Such terms and conditions may include drug screens, continuing education, supervised practice, restrictions on access to drugs, and any other terms and conditions as deemed appropriate by the board.

BOARD OF NURSING

By:


A Member of the Board

11-19-85
Date

MJB:1ml
087-842

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

KATHERINE M. JOHNSON, R.N., :
RESPONDENT. :

STIPULATION

The parties in this matter agree and stipulate as follows:

1. That the respondent understands by signing this Stipulation that she 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 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 own behalf and to compel their attendance by subpoena, the right to testify in 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 to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

2. The respondent and the complainant urge the Board of Nursing to adopt the attached Final Decision and Order.

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

Michael J. Berndt
Michael J. Berndt, Attorney for Complainant

11/7/85
Date

Katherine Johnson
Katherine Johnson, R.N., Respondent

11/12/85
Date

MJB:lm1
023-490