

# 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

BETH WALLANDER, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER

ORDER 0001733

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

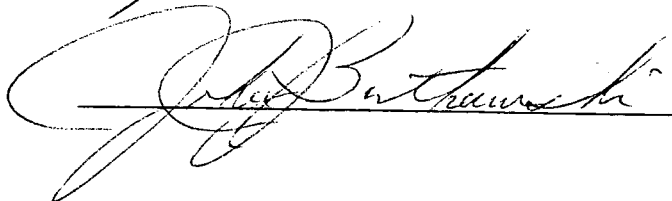
ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. Let a copy of this order be served on the respondent by certified mail.

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 party to be named as respondent in the petition is Beth Wallander.

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.

Dated this 19 day of July, 1985.



pc017-552

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: PROPOSED DECISION  
BETH WALLANDER, R.N., :  
RESPONDENT. :  
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The parties to this proceeding for the purposes of Wis. Stats.  
sec. 227.16 are:

Beth Wallander  
112 Sunset Drive  
Pewaukee, WI 53072

Board of Nursing  
1400 East Washington Avenue  
P.O. Box 8936  
Madison, WI 53708

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8936  
Madison, WI 53708

A hearing was held in the above-captioned matter on March 14, 1985 commencing at 9:45 a.m. in Room 177 at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for the complainant was Attorney Steven M. Gloe, Department of Regulation and Licensing, Division of Enforcement. The respondent, Beth Wallander, was not present, nor was anyone present to represent her.

Based upon the record herein, the examiner recommends that the Board of Nursing adopt the following Findings of Fact, Conclusions of Law and Order as its final decision.

FINDINGS OF FACT

1. Beth Wallander, R.N. (hereinafter "respondent") is duly licensed as a registered nurse in the State of Wisconsin. Her license was issued on September 21, 1973.

2. Service of the Notice of Hearing and Complaint in this matter was made on respondent by certified mail addressed to her at 112 Sunset Drive, Pewaukee, Wisconsin 53072. The return receipt indicates that respondent received the mailing on December 24, 1984. Respondent failed to appear at the evidentiary hearing.

3. At all times relevant to the Complaint filed herein, respondent was working as an obstetrical nurse at St. Mary's Hospital, 2323 North Lake Drive, Milwaukee, Wisconsin.

4. While working in her capacity as a registered nurse at St. Mary's Hospital on or about September 3, 1983, respondent engaged in the following conduct with regard to her handling of controlled substances:

- A. Respondent borrowed one 75 mg. ampule of Demerol (meperidine hydrochloride) from a patient's narcotic supply without noting for which patient in the hospital the drug was intended.
- B. Respondent signed out one Percocet tablet (oxycodone hydrochloride) for patient P.M. at 1600 hours, but failed to record administration of this drug in the nursing notes for P.M.
- C. Respondent signed out one Percocet tablet (oxycodone hydrochloride) for patient P.M., at 2015 hours, but failed to record administration of this drug on the PRN medication record (i.e. the patient profile) for P.M.
- D. Respondent failed to obtain a witness, contrary to hospital policy, for having borrowed and later broke a 100 mg. ampule of Demerol.
- E. Respondent charted that she medicated patient D.H. with an injection of 50 mg. Demerol and 50 mg. Vistaril (hydroxyzine hydrochloride) at 1855 and 2055 hours. Respondent knew that the medication had been ordered by the physician at 1930 hours on that date to be discontinued. When asked during the following shift about the 1855 and 2055 injections charted, patient D.H. indicated that she had not received these injections.

5. During the latter part of respondent's work shift on September 3, 1983, four registered nurses employed at the hospital had occasion to observe the appearance of respondent. Respondent appeared lethargic and drowsy, her speech was slurred and slow, and she was having difficulty holding her head up.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07.

2. Respondent did not appear at the evidentiary hearing in this matter and is therefore in default pursuant to Wis. Adm. Code sec. RL 2.14.

3. Respondent's conduct as set forth in the Findings of Fact, constitutes negligence and unprofessional conduct in the practice of nursing, pursuant to Wis. Stats., sec. 441.07(1)(c) and (d), and Wis. Adm. Code sec. N 11.03.

#### ORDER

NOW, THEREFORE IT IS ORDERED that the license of Beth Wallander to practice as a registered nurse in the State of Wisconsin, shall be and hereby is revoked, effective ten days following the date of the final decision of the Board of Nursing.

### OPINION

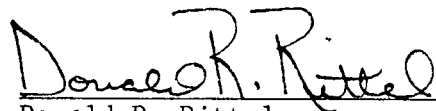
The respondent, Beth Wallander, failed to appear at the hearing scheduled and held in this matter. Complainant's attorney presented evidence establishing the truth of the material allegations within the Complaint at the hearing; thus, the Findings of Fact and Conclusions of Law are based upon the Complaint and evidence received.

The only issue in this case is the appropriate discipline, if any, to be levied by the Wisconsin Board of Nursing in light of the conduct of Ms. Wallander. The evidence indicates that there were substantial and serious irregularities in handling of controlled substances by Ms. Wallander on or about September 13, 1983 while working at St. Mary's Hospital. Although not alleged within the Complaint, nor made a formal Findings of Fact, the evidence produced raises a troublesome question as to whether or not Ms. Wallander engaged in the self-administration of controlled substances during the night in question. Her failure to appear at the hearing leaves this, and other issues bearing upon discipline, unanswered.

Under the circumstances, the protection of the public requires that Ms. Wallander's right to practice as a registered nurse in this state be withdrawn. In order for the Board to determine under what circumstances she may be permitted to practice in the future, it is also necessary that the Board be permitted to assess her fitness to practice in the best interests of the public. The hearing did not provide an adequate opportunity to do so in light of Ms. Wallander's failure to attend. Accordingly, it is recommended that Ms. Wallander's license be revoked, which will provide the Board an opportunity to assess her fitness to practice nursing should she apply for reinstatement in the future. See, Wis. Stats., sec. 441.07(2).

Dated at Madison, Wisconsin this 19<sup>th</sup> day of March, 1985.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel  
Hearing Examiner

DRR:cls  
940-843