

## 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 :

ROY L. PITZEN, R.N., T.P.N., :  
RESPONDENT. :

FINAL DECISION  
AND ORDER

ORDER 0001821  
-----

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

Roy L. Pitzen  
Route #2, Box 309C  
Wild Rose, WI 54984

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 Roy L. Pitzen, 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 Roy L. Pitzen, hereinafter called the respondent, was at all times relevant to this Complaint duly licensed to practice as a registered

nurse in the State of Wisconsin and held an expired license as a trained practical nurse in the State of Wisconsin.

2. That the respondent's registered nurse license is #74857 and the expired trained practical nurse license is #17168.

3. That the respondent's address is Route #2, Box 309C, Wild Rose, Wisconsin 54984.

4. That on September 25, 1984, the respondent was convicted of two misdemeanors and one felony as set forth in the criminal complaint which is attached as Exhibit A.

5. That as to Counts I, II and III of said criminal complaint, the respondent was sentenced to 30 days of jail, 9 months of jail and 2 years of imprisonment, respectively. Said sentences were stayed and the respondent was placed on probation for a period of 2 years.

6. That on two prior occasions, the respondent was disciplined by the Board of Nursing. The prior Final Decisions and Orders were dated April 1, 1982 and December 9, 1983. A copy of the December 9, 1983 Decision, which also incorporates the April 1, 1982 Decision, is attached as Exhibit B.

#### CONCLUSIONS OF LAW

1. That by being convicted of the above crimes, the respondent has engaged in unprofessional conduct, contrary to Wis. Adm. Code secs. N 11.03(3)(a) and N 11.04(1).

2. That the Board of Nursing has jurisdiction to proceed against the respondent pursuant to sec. 441.07, Stats.

Therefore, it is hereby ORDERED:

1. That in lieu of imposing discipline, the Board of Nursing accepts the voluntary surrender of the respondent's license as a registered nurse, #74857 and accepts the voluntary surrender of the expired license as a trained practical nurse, #17168.

2. That the above Findings of Fact and Conclusions of Law constitute a Final Decision and may be considered by the Board, along with all the other evidence brought before it, should the respondent ever reapply for licensure.

BOARD OF NURSING

By: 

A Member of the Board

3-19-85  
Date

MJB:kcb  
121-279

STATE OF WISCONSIN  
BOARD OF NURSING

-----  
IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

ROY L. PITZEN, R.N., T.P.N., :  
RESPONDENT. :

STIPULATION

-----  
It is hereby stipulated by the parties as follows:

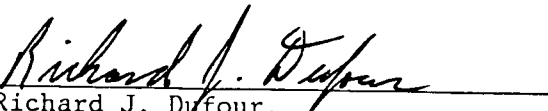
1. That by signing this Stipulation, the Respondent voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him.
2. That this Stipulation and attached Final Decision and Order shall be submitted to the Board of Nursing for purposes of reaching a final resolution of this matter.
3. That the Respondent and the Complainant request that the Board adopt this Stipulation and the attached Final Decision and Order.
4. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board of Nursing, then neither party shall be bound by any of the terms.

  
Michael J. Berndt  
Attorney for Complainant

2/6/85  
Date

  
Roy L. Pitzen, R.N., T.P.N.,  
Respondent

2/29/85  
Date

  
Richard J. Dufour,  
Attorney for Respondent

3/13/85  
Date

MJB:1mp  
951-845

State of Wisconsin,

CIRCUIT  
BRANCH II

Court,

WAUPACA

FILED

Waupaca County Courts  
ORIN A. STEVENSON, Clerk

STATE OF WISCONSIN,

vs.

ROY L. PITZEN (09/07/48)

Route 2, Box 309C

Wild Rose, WI 54984

Plaintiff,

CRIMINAL COMPLAINT AND WARRANT

COPY

File No. 84CF 45

Chief Deputy Robert

Andraschko, Waupaca County Sheriff's Dept.,

on information and belief

COUNT I:

on May 30, 1984, at Town of Farmington

in said County, the defendant did: possess a controlled substance (Tylenol #3 containing codeine; a Schedule III controlled substance, pursuant to §161.18(5)(b), Wisconsin Statutes); said substance not obtained directly from, or pursuant to a valid prescription or order of, a practitioner, contrary to §161.41(3), Wisconsin Statutes,

(PENALTY: Pursuant to §939.61, Wisconsin Statutes - Fine not more than \$500 or county jail not more than 30 days, or both)

COUNT II: On or about May 30, 1984, at the Town of Farmington, Waupaca County, Wisconsin the defendant did intentionally take and carry away the movable property (12 Tylenol #3 capsules containing codeine; capsules are white with orange stripes) of another (King Veterans Home) without consent and with intent to deprive said owner permanently of possession of such property, contrary to §943.20(1)(a) & (3)(a), Wisconsin Statutes,

(PENALTY: Class A Misdemeanor - fine not more than \$10,000 or County Jail not more than 9 months, or both)

COUNT III CONTINUED ON BACK

~~Section 943.20(1)(a) & (3)(a), Wisconsin Statutes~~, and prays that said defendant be dealt with according to law; and that the basis for the complainant's charge of such offense is: This complaint is based upon files and records compiled by the Waupaca County Sheriff's Department and personnel at the Wisconsin Veterans Home at King, Wisconsin. On Tuesday, May 29, 1984, Ron C. Woods the Safety/Security Chief at the Wisconsin Veterans Home of King, Wisconsin, contacted the Waupaca County Sheriff's Department requesting help to investigate missing drugs from the Burns-Clemens Hall. Mr. Woods spoke with Det. Larry W. Jensen of the Waupaca County Sheriff's Department.

Mr. Woods told Det. Jensen that Karen Brown, Director of Nursing for Burns-Clemens Hall, reported that many capsules of Tylenol #3 were missing and unaccounted for. Mr. Woods spoke with Ms. Brown and it appeared that the medications were missing on shifts when the defendant was working. The defendant is employed at the the Wisconsin Veterans Home as a registered nurse. Ms. Brown did random audits of medications with codeine such as Tylenol #3 and it appeared that the drugs were only found to be missing when the defendant was on duty as a registered nurse.

\* Subscribed and sworn to before me on

May 30, 1984

CONTINUED ON BACK

Robert Andraschko  
Complainant

Asst. District Attorney

\*\* Approved for filing

Asst. District Attorney

WARRANT

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

The original of the above Complaint having been filed with this Judge, accusing the defendant of committing the crime of possession of controlled substance, I find that probable cause exists that the crime was committed by the defendant and order that he be held to answer.

☒ CHECK IF APPLICABLE☐ (Although the offense charged is a misdemeanor whose maximum penalty does not exceed 6 months, I believe the defendant will not appear in response to a summons.) (s. 968.04(2))

You are, therefore, commanded to arrest the defendant and bring him before me, or, if I am not available, before some other judge of the County.

Dated

Judge

\* Oath must be taken before district attorney or judge, s. 968.07.  
\*\* If district attorney is unavailable or refuses to issue complaint a county judge or court commissioner may permit the filing of a complaint s. 967.02(1) s. 968.02(1).

Exhibit A

CERTIFICATE OF SERVICE

RECEIVED

STATE OF WISCONSIN, }  
COUNTY } ss.

JUN 08 1984

Dept. of Regulation & Licensing  
Division of Enforcement

I do certify that by virtue of the within Warrant I did on \_\_\_\_\_, at \_\_\_\_\_ M.,  
arrest the defendant and informed him of the nature of the crime with which he is charged.

Dated \_\_\_\_\_

Title \_\_\_\_\_

CONTINUED FROM FRONT:

s. 968.04 (4) Wis. Stats.  
Bail Upon Arrest in Another County: s. 969.11

COUNT III: On or about May 30, 1984, at the Town of Farmington, Waupaca County, Wisconsin, the defendant did obtain possession of a controlled substance (Tylenol #3 containing codeine, a Schedule III controlled substance, pursuant to §161.18(5)(b), Wisconsin Statutes) by forgery, contrary to §161.43(1)(a)(2), Wisconsin Statutes,

(PENALTY: Fine not more than \$30,000 or prison not more than 4 years, or both)

RETURN TO BASIS IN FRONT.

BASIS CONTINUED FROM FRONT:

Mr. Woods informed Det. Jensen that there are two individuals on duty that have access to the drugs on each shift. These two individuals are the registered nurse and the licensed practical nurse. These individuals upon dispensing a prescription drug such as Tylenol #3 are to initial the PRN medication record. Ms. Brown checked the medication records and found that it appeared as though some of the initials of RN's and LPN's may have been for Ms. Brown believes these discrepancies did not begin until the defendant was employed and began working the night shift (11:00 p.m. to 7:00 a.m.) at said Veterans Home.

On May 29, 1984, Ms. Brown inventoried the Tylenol #3 capsules as the defendant completed his shift. Ms. Brown found that 15 such capsules were missing.

Mr. Woods told Det. Jensen that on May 30, 1984, just prior to the defendant beginning his shift, that they would do an inventory count of the drugs at the drug cart where the defendant would be working. Furthermore they would photocopy the PRN medication sheet before the defendant came on to work.

On May 30, 1984, Ralph Sawall, a registered nurse employed by Wisconsin Veterans Home, came on duty at 6:15 a.m. Mr. Sawall did an inventory search at Burns-Clemens Hall where the defendant works, and determined that there were 16 capsules of Tylenol #3 less than there had been on the previous evening. Three of these capsules were signed out by the defendant as being administered to a patient. Thirteen capsules were, therefore, unaccounted for.

Mr. Sawall then made a comparison of the PRN medication record as they were Xeroxed on May 29, 1984 at 10:00 p.m. and as they appeared at 7:00 a.m. on May 30, 1984. The PRN medication sheet as it appeared at 7:00 a.m. on May 30, 1984, showed that Kim Voss, an LPN, had given out Tylenol #3 to a patient at 7:30 a.m. on May 29, 1984. Kim Voss informed Mr. Sawall that she had not given out this medication and that she did not initial the chart showing that she had done so.

Mr. Sawall then made a comparison of the PRN medication record as they were Xeroxed on May 29, 1984 at 10:00 p.m. and as they appeared at 7:00 a.m. on May 30, 1984. The PRN medication sheet as it appeared at 7:00 a.m. on May 30, 1984, showed that Sherry Tande, an LPN, had given out Tylenol #3 to a patient at 7:30 a.m. on May 29, 1984. Sherry Tande informed Mr. Sawall that she had not given out this medication and that she did not initial the chart showing that she had done so.

CONTINUED ON PAGE 3

State of Wisconsin vs. Roy L. Pitzon

The defendant worked on the evening and morning of May 29, 1984 and May 30, 1984, had a key to the room of where the Tylenol #3 capsules are locked, and had access to write on the PRN medication sheets. There was no other individual working that same shift that would have the same access to the medication sheets and to the medication itself, except the LPN. The LPN that was working the night of May 29, 1984, and May 30, 1984, however, is not the same LPN that had been working with the defendant on other nights when drugs were found to be missing.

On May 30, 1984, at approximately 6:10 a.m., Mr. Ron Woods contacted Det. Jensen at the Waupaca County Sheriff's Department to let Det. Jensen know that 13 capsules had been taken on the night of May 29, 1984 and May 30, 1984 and informed Det. Jensen of the defendant's physical description and the description of his automobile. At approximately 6:45 a.m., Det. Jensen and Chief Deputy Robert Andraschko stopped the defendant as he was leaving the Wisconsin Veterans Home in his automobile. The defendant was told that he was placed under arrest for theft of Tylenol #3 from the Wisconsin Veterans Home. The defendant was then taken to the Waupaca County Sheriff's Department.

As the defendant was being booked into Waupaca County Jail an inventory search was conducted of the defendant. As the officers were attempting to search the defendant, the defendant reached around into his back pocket with his left hand and tried to hide some items in his left hand. The officers had defendant open his hand and found 12 capsules which were white in color with orange stripes. Chief Deputy Robert Andraschko took these same capsules to the pharmacist at the King Veterans Home (L. Gardner Harvey) who identified them as Tylenol #3 which contain codeine. Chief Deputy Robert Andraschko based upon his experience as Chief Deputy for the Waupaca County Sheriff's Department states that such drug is Schedule III controlled substance, pursuant to §161.18(5)(b) of the Wisconsin Statutes. The pharmacist informed Chief Deputy Andraschko that Tylenol #3 comes in white capsules with orange stripes and is the type of Tylenol #3 that is dispensed at the Wisconsin Veterans Home.

The Wisconsin Veterans Home is located in the Town of Farmington, Waupaca County, Wisconsin. No person at the Wisconsin Veterans Home gave consent to the defendant to take the 12 capsules of Tylenol #3. Det. Larry Jensen and Chief Deputy Robert Andraschko are presumed reliable as police officers. Ron Woods, Karen Brown, Ralph Sawall, and L. Gardner Harvey are presumed reliable as all are gainfully employed in the community and are presumed reliable as citizen informants.

Return to Page 1

1983  
83 Nurse 16

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

-----  
IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

ROY L. PITZEN, R.N., T.P.N., :  
RESPONDENT :

FINAL DECISION  
AND ORDER

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

ORDER

NOW, THEREFORE, it is hereby ordered that the Stipulation and Proposed  
Decision annexed hereto, 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  
Roy L. Pitzen.

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.

Dated this 29<sup>th</sup> day of November, 1983.

Vivian DeBacker, ms

A Member of the Board

MJB:lmj  
109-236

Exhibit B

ek



BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

-----  
IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

ROY L. PITZEN, R.N., T.P.N., :  
RESPONDENT :

PROPOSED DECISION  
-----

FINDINGS OF FACT

1. Roy L. Pitzen, hereinafter called 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 and as a licensed practical nurse in the State of Wisconsin.
2. The respondent's registered nurse license is number 74857 and the respondent's trained practical nurse license is number 17168.
3. The respondent's address is Route 2, Box 309C, Wild Rose, Wisconsin, 54984.
4. That on April 1, 1982 the Board of Nursing signed a final Order limiting the respondent's licenses for a period of one year. A copy of said Order is attached as Exhibit A.
5. That the respondent has failed to provide notarized statements concerning his rehabilitation for post-traumatic stress disorder as required by paragraph 3 of the April 1, 1982 Order. A statement due on or about January 11, 1983, and a statement due on or about April 11, 1983, were not provided.
6. That the respondent has failed to provide written statements from his supervisor as required by paragraph 4 of the April 1, 1982 Order. Written statements due on or about October 11, 1982 and January 11, 1983, were not provided.
7. That respondent failed to provide medical evidence as required by paragraphs 1 and 2 of the April 1, 1982 Order.
8. That on or about August 15, 1983, the respondent altered the results of a urine screen which was forwarded to the Board of Nursing so as to conceal a positive finding on the screen for cocaine and marijuana. The respondent did not consume said substances while on duty as a nurse and did not obtain said substances from his place of employment.
9. That on approximately October 1, 1983, the respondent resigned from his position as a nurse at Waushara County Health Services and has not returned to nursing pending the outcome of this matter.
10. That on March 16, 1983 the respondent commenced psychiatric treatment with John B. McAndrew, M.D., for post-traumatic stress disorder. A letter dated November 3, 1983, from Dr. McAndrew is attached as Exhibit B.

### CONCLUSIONS OF LAW

1. That by engaging in the conduct set forth above, the respondent has violated a formal disciplinary order of the Board, contrary to Wisconsin Administrative Code sec. N11.03(3)(e) and sec. N11.04(1).

2. That the Board has jurisdiction to take disciplinary action against the respondent pursuant to sec. 441.07, Stats., for violation of the above rules.

### ORDER

NOW, THEREFORE, IT IS ORDERED that the licenses of the respondent shall be and hereby are suspended for a period of 45 days. The effective date is 15 days following the date of the Board's Final Decision and Order.

IT IS FURTHER ORDERED that during the suspension the respondent shall submit medical evidence to the Board indicating he is not physically or psychologically drug dependent and not under the influence of any unprescribed controlled substances or prescription drugs. Said medical evidence shall include the results of at least four blood or urine screens as described below. The respondent shall bear the cost of said tests.

IT IS FURTHER ORDERED that if said evidence indicates the respondent is capable of safely and competently practicing nursing, the Board shall grant a limited license for a period of two years to the respondent under the terms and conditions listed below. Within 30 days of the date of the Board's Final Decision and Order the respondent must inform the Board as to his arrangements with respect to the below terms and conditions. If the respondent is unable to supply the required information regarding his arrangements or unable to supply the required medical evidence, the suspension will continue until such information is supplied.

1. The respondent must inform prospective employers of his history of drug abuse.
2. The respondent must inform the Board of Nursing of any change in his employment status within five days of such a change.
3. The respondent shall not consume any unprescribed controlled substances or prescription drugs.
4. The respondent must undergo psychotherapy with a medical doctor or a licensed psychologist to address his post-traumatic stress disorder on at least a monthly basis. The medical doctor or licensed psychologist must be acceptable to the Board and the counseling must continue until the therapist reports to the Board that further counseling is not necessary. In conjunction with said counseling, the respondent must provide the Board with a current release, complying with state and federal laws, authorizing release of all psychotherapy treatment records.
5. The respondent shall participate in a program of random, supervised monitoring of controlled substances in his blood and/or urine, said testing to occur on a weekly basis for the first two months of limitation and if all of these tests prove negative, on a twice a month basis for the remaining

period of limitation. The monitoring shall be overseen by a supervising therapist. The supervising therapist may require drug screens in addition to those required above if the therapist deems such additional screens are necessary. The supervising therapist shall submit quarterly reports concerning the respondent's participation in the program and shall immediately notify the Board of any positive drug screen. Notification of a positive drug screen shall include a recommendation as to whether further discipline should be sought by the Board.

6. The respondent is responsible for obtaining a monitoring facility and reporting system acceptable to him and to the Board 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 required.

7. To be an acceptable program, the monitoring facility must agree to provide random and monitored gatherings of specimens for evaluation. The facility must further agree to file an immediate report with the Board of Nursing in the event of the following acts of nonparticipation:

- a. Failure by the respondent to appear upon request.
- b. A positive drug screen.
- c. Refusal to provide a specimen for analysis.

In the event of a positive drug screen, the monitoring facility must agree to retain the specimen for provision to the Division of Enforcement in the Department of Regulation and Licensing.

8. The respondent shall cause his employment supervisor to forward written quarterly evaluations of the respondent's work performance directly to the Board of Nursing. This condition need not be complied with for periods of time during which the respondent fails to maintain employment as a nurse.

9. The respondent may petition the Board at any time to revise or eliminate any or all of the above conditions.

10. Violation of any of the terms of limitation may result in summary suspension of the respondent's license, and/or the imposition of additional discipline.

MJB: lmp  
2497

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

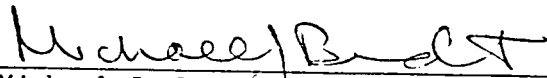
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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

ROY L. PITZEN, R.N., T.P.N., :  
RESPONDENT :

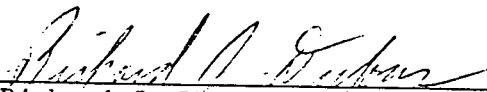
STIPULATION

-----  
The parties in this matter agree and stipulate as follows:

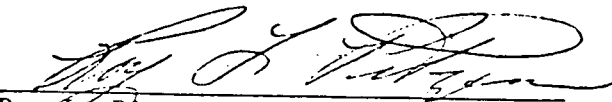
1. The respondent waives his right to a public hearing in this matter.
2. The respondent and the complainant urge the Board of Nursing to adopt the attached Proposed Decision as the Final Decision and Order in this matter.
3. The attorney for the complainant may appear before the Board of Nursing for purposes of speaking in favor of the attached Proposed Decision and to answer any questions the Board of Nursing may have regarding the matter.
4. That if the terms of the Stipulation and the Proposed Decision are not acceptable to the Board, then neither party shall be bound by any of the terms.

  
\_\_\_\_\_  
Michael J. Berndt  
Attorney for Complainant

11/14/93  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard J. Dufour  
Attorney for Respondent

11/16/83  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Roy L. Pitzen, Respondent

11/16/83  
\_\_\_\_\_  
Date

MJB: lmp  
910-199

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

-----  
IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

ROY L. PITZEN, R.N., T.P.N., :  
RESPONDENT :

FINAL DECISION  
AND ORDER  
-----

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

Dated this 1st day of April, 1982.

*Marjorie Lundquist RN*

017-552

Exhibit A

RECEIVED *W*

APR 06 1982

Dept. of Registration & Licensing  
Division of Professional Regulation

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

-----  
IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROY L. PITZEN, R.N., T.P.N.  
RESPONDENT

PROPOSED DECISION  
-----

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

Roy L. Pitzen  
Route #2, Box 309C  
Wild Rose, Wisconsin 54984

Board of Nursing  
1400 East Washington Avenue, Room 174  
P.O. Box 8936  
Madison, Wisconsin 53708

A Notice of Hearing and Complaint were filed in the above-captioned  
matter on October 23, 1981. An Answer to the Complaint was filed on  
December 17, 1981.

A hearing was held on January 18, 1982 in Room 179A, 1400 East  
Washington Avenue, Madison, Wisconsin. The respondent, Roy L. Pitzen,  
appeared personally and by his attorney, Anthony S. Earl, Foley & Lardner,  
1 South Pinckney Street, P.O. Box 1497, Madison, Wisconsin 53701.  
Appearing for the complainant was Attorney Michael J. Berndt, Department  
of Regulation and Licensing, Division of Enforcement, 1400 East Washington  
Avenue, P.O. Box 8936, Madison, Wisconsin 53708.

Based upon the evidence in the record and on the pleadings filed  
in this matter, the Hearing Examiner recommends that the Board of  
Nursing adopt as its final decision the following Findings of Fact,  
Conclusions of Law, and Order.

FINDINGS OF FACT

1. Roy L. Pitzen (Pitzen) 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 and as a licensed practical  
nurse in the State of Wisconsin.
2. Pitzen's registered nurse license is #74857 and Pitzen's  
trained practical nurse license is #17168.
3. Pitzen's address is Route #2, Box 309C, Wild Rose, Wisconsin 54984.  
Pitzen is 33 years old.

RECEIVED

APR 06 1982

Dept. of Regulation & Licensing  
Division of Enforcement

## CONVICTION

4. Pitzen was convicted of one misdemeanor violation of Section 450.07(9)(a), Wisconsin Statutes, upon a plea of no contest on August 13, 1961, in the Circuit Court for Winnebago County, Wisconsin, Judge Edmund P. Arpin presiding.

5. The Amended Information to which Pitzen pled no contest charged that on June 11, 1980, at the City of Oshkosh, Wisconsin, Pitzen did then and there intentionally and unlawfully obtain a prescription drug, to wit: Codeine, by the forging of a prescription.

6. Following conviction, the sentencing of Pitzen was withheld and Pitzen was placed on probation for a period of two years, with the condition that Pitzen cooperate fully in any drug abuse program recommended by the Department of Health and Social Services.

## SURROUNDING CIRCUMSTANCES

7. Pitzen entered the United States Army in 1965 and was stationed in the United States for three years and Vietnam for one year.

8. Prior to entering the service Pitzen had never used any controlled substance.

9. In 1969 Pitzen was exposed to Agent Orange and employed the use of morphine over the course two months after entering Cambodia.

10. After his discharge from the service, Pitzen continued to experience severe headaches and engaged in the heavy use of alcohol for approximately three years. Pitzen became an alcoholic and did not relinquish his use of alcohol until entering a hospital. Pitzen has not had any alcohol in the last two years.

11. After his discharge from the service, Pitzen received prescriptions for Tylenol #3, Empirin #3 and Percodan. After obtaining his nursing licenses, Pitzen was placed on a prescription for Empirin #3, Tylenol #3 and Valium 5mg. for approximately three years.

12. Since his conviction described in paragraph 4, Pitzen has received prescriptions for Fiorinal #2.

13. Pitzen has been employed by the Waushara County Health Services for approximately three and one-half years. Pitzen's work has been competently performed during that time. (See Respondent's Exhibit A attached hereto.)

14. Pitzen's duties of employment involve caring for home-bound patients and include checking the supplies of medications for some patients.

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Division of Enforcement

15. Pitzen is currently suffering from post-traumatic stress disorder resulting from his involvement in the Vietnam War, the effects of which, among others, include severe and persistent headaches. (See, Respondent's Exhibit B attached hereto.)

16. Pitzen has attempted to seek help for his post-traumatic stress disorder by entering the Veterans Administration Hospital in Tomah, Wisconsin for Agent Orange screening and the Guidance Center in Wild Rose, Wisconsin. Pitzen plans to attend an Outreach Center for his post-traumatic stress disorder and the Guidance Center in Wild Rose. The primary objective of the terms of Pitzen's probation, according to the Department of Health and Social Services, is that he receive treatment for post-traumatic stress. (See, Respondent's Exhibit C attached hereto.)

#### CONCLUSIONS OF LAW

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

2. A conviction for one misdemeanor violation of Wis. Stats. sec. 450.07(9)(a), constitutes a crime as defined in Wis. Stats. sec. 939.12, pursuant to Wis. Stats. secs. 450.07(12)(a) and 939.60.

3. The circumstances of the conviction of Pitzen upon one misdemeanor violation of Wis. Stats. sec. 450.07(9)(a), is substantially related to the practice of a registered nurse and a trained practical nurse, within the meaning of Wis. Stats. secs. 111.325 and 111.32(5)(h)2.b.

4. A conviction for the crime of obtaining a prescription drug by forgery in violation of Wis. Stats. sec. 450.07(9)(a), as described in paragraph 4 of the Findings of Fact, constitutes moral delinquency within the meaning of Wis. Adm. Code sec. N 11.03(3).

5. Engaging in an act of moral delinquency constitutes a basis for the revocation, limitation or suspension of the nursing licenses of Pitzen, or the reprimand of Pitzen.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the licenses of ROY L. PITZEN to practice as a registered nurse and as a trained practical nurse shall be, and hereby are LIMITED for a period of ONE (1) YEAR, said limitations being effective ten days following the date of the final decision and order of the Board of Nursing, as follows:

1. Within 30 days from the date of the final decision and order of the Board of Nursing, Pitzen shall provide to the board medical evidence, based in part upon blood and urine analysis, that he is not physically or psychologically drug dependent and that at the time of examination, he was not under the influence of any prescription drug or controlled substance not dispensed or consumed pursuant to the valid prescription of a practitioner. Pitzen shall bear the costs of all tests.

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2. Within 30 days prior to the expiration of the limitations ordered by the board, Pitzen shall again provide the medical evidence required in paragraph 1 above. Pitzen shall bear the costs of all tests.

3. At three month intervals during the one year limitation period, Pitzen shall provide to the board his notarized statement concerning his attendance, participation and progress in programs or counseling designed to assist him with his post-traumatic stress disorder.

4. At three month intervals during the one year limitation period, Pitzen shall provide to the board written statements prepared by his employer, or employer's designee, that his work has been satisfactory and free from any drug-related complaints from co-workers or the public.

5. Any violation of the above-described limitations may result in further disciplinary action by the Board of Nursing. Wis. Adm. Code sec. N 11.03(3)(e).

#### OPINION

The only issue in this case is the appropriate discipline, if any, to be imposed under the facts and circumstances of this case.

The primary purposes for imposing disciplinary sanctions in a proceeding such as this are: 1) protection of the public, 2) promoting the rehabilitation of the licensee involved, and 3) deterring other licensees from engaging in similar conduct. State v. Aldrich, 71 Wis.2d 206, 209 (1976). Punishment of the licensee is not a proper consideration. State v. MacIntyre, 41 Wis.2d 481, 485 (1969).

The following circumstances indicate that the limitations proposed herein are sufficient to meet the public interest in this case:

1. Pitzen's acts were not performed while he was engaged in licensed activity. Accordingly, the procurement of codeine did not involve patients or patient medications.

2. Pitzen's purpose in illegally obtaining codeine was for his own private use and self-medication. There is no evidence that Pitzen intended to procure the codeine for commercial sale or to supply friends or family, or for personal gain. Given Pitzen's established severe headaches, apparently stemming at least in part from post-traumatic stress disorder due to his service in the Vietnam War, it appears that the motive for his conduct involved the relief of his physical condition.

3. Pitzen's employment record over the last three and one-half years has been commendable. Pitzen's competence to practice is not questioned, and, indeed, appears well demonstrated by his employment record. (See, Respondent's Exhibit A).

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Division of Enforcement

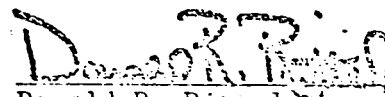
A suspension from practice is not always required in order to protect the public where a licensee is engaging in a process of rehabilitation, and the result is likely to be successful. See, State v. Wheeler, 51 Wis.2d 129, 131 (1971); State v. Wildermuth, 34 Wis.2d 235, 242 (1967); State v. Roggensack, 19 Wis.2d 38, 47 (1963). The examiner does not believe that it is necessary to suspend Pitzen. There is no indication that Pitzen is currently drug dependent, however, the screening limitation recommended herein will better establish his current condition. Furthermore, Pitzen is currently on probation and subject to the jurisdiction of the Wisconsin Department of Health and Social Services which has not ordered Pitzen to participate in any drug abuse program at this point. Health and Social Services appears more concerned that Pitzen take measures to deal with his post-traumatic stress. (See, Respondent's Exhibit C). The limitations recommended will require periodic reports to the board as to Pitzen's compliance and progress. Pitzen's previous rehabilitation from alcoholism suggests a likelihood of successful treatment.

In this case, a suspension might be punitive in overall effect, given Pitzen's work record and the possibility that a suspension could unduly augment against his efforts at rehabilitation for post-traumatic stress and thereby adversely effect the prime objective of the Department of Health and Social Services in overseeing his probationary period. Furthermore, a short suspension would not serve to deter other licensees to such an extent as to outweigh these factors.

It is my opinion that the limitations recommended here will promote the rehabilitation of a competent licensee and adequately protect the public interest by requiring drug screenings and periodic status reports concerning efforts at rehabilitation and continued satisfactory work performance.

Dated at Madison, Wisconsin this 29<sup>th</sup> day of January, 1982.

Respectfully submitted,



Donald R. Rittel  
Hearing Examiner

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# Waushara County Health Services

COURTHOUSE ANNEX  
P.O. BOX 241- 885  
WAUTOMA, WISCONSIN 54982

1-414-787-1061

December 14, 1981

Department of Regulation and Licensing  
Bureau of Health Professions  
Bureau of Nursing  
P.O. Box 8936  
Madison, WI 53703

Dear Sirs:

It has been brought to my attention by a staff member, Roy Pitzen, that he will appear for a disciplinary hearing in January.

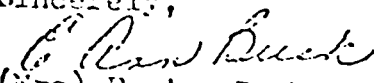
Roy Pitzen has worked for this agency for approximately three and one half years. During this time he has exhibited excellent work habits, has carried a heavy caseload, has worked very well with the rest of the staff and has shown unusually deep compassion for his patients. He is a good nurse in every way and has earned tremendous respect and affection from his patients. As an illustration of the relationship to the other members of the staff, he was this year elected to represent them on the salary negotiating team.

Because of Roy's recurrent and severe headaches he was encouraged to seek the full agent orange screening from the Veterans Administration, since he had been in direct contact with freshly sprayed foliage over a period of time in Vietnam. He apparently did not receive any help with his problem of headaches and nightmares from this encounter and at this time turned to counseling in the Waushara County Guidance Center with our encouragement.

We have never received a single complaint about Roy from a patient, but have received both written and verbal praise for his dedication and willingness to attend to the needs of patients during non-duty hours.

If I can provide additional or any specific information for your use at the hearing please feel free to call on me. The Health Committee of the Waushara County Board of Supervisors has been kept abreast of Roy's situation and approves of this communication supporting Roy as a high quality staff member of this agency.

Sincerely,

  
(Mrs) E. Ann Buck, R.N.  
Director

Responsible of A. N. BUCK  
1/18/82 D2R APR 16 1982

12-21-81

Mr. Pitzen is suffering from a post-traumatic stress disorder subsequent to his involvement in the Vietnam War. Specific symptomatology includes the following: severe and persistent headaches, hyperalertness, recurring and terrifying nightmares, sleeplessness, irritability, overwhelming feelings of guilt, social withdrawal, and drug dependency in an effort to cope with the above. Such symptoms are often mistaken as signs of personality disorders, which are resistive to most forms of treatment. In reality, this post-traumatic disorder defies most traditional forms of psychotherapy or chemotherapy, but does respond to in-depth outpatient or inpatient treatment involving groups of combat veterans. Such groups encourage participants to reveal their experiences in the war and discuss how these experiences continue to impact on their daily lives. Mr. Pitzen has informed me that he will be entering just such a therapy group as of January, 1982.

It should be noted that Mr. Pitzen's experiences in the war involved horrors and tragedies of such magnitude as to seriously impair the adjustment and coping skills of virtually any "mentally healthy" individual. Despite this, Mr. Pitzen has successfully acquired a college degree and has consistently maintained employment. As is the case with many combat veterans, however, his personal adjustment has been disrupted in the manner described above. The appropriate use of drugs to combat these symptoms is a subject of controversy among psychiatrists; the illegal procurement of such drugs clearly is not.

Nevertheless, such illegal behavior may indeed have been the result of his experience that many years of combating the nightmares, guilt, and anxiety, his only symptom relief was with medication. If a tendency to rely upon medication for symptom relief would persist beyond treatment in the combat-veterans group, a drug-treatment program would be essential. Individual psychotherapy and family therapy are also possibilities following the combat-veterans group.

PT/ps

Paul Theyel, MS Psychologist

*Respondent's C. B.*  
*1/18/82 DRR*

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Dept. of Regulation & Licensing  
Division of Enforcement

P. O. Box 618  
Wautoma Wisconsin 5

December 29, 1981

Department of Regulation  
& Licensing  
Board of Nursing  
P. O. Box 8936  
Madison Wisconsin 53708

Attention: Donald R. Rittell

Dear Mr. Rittell:

RE: ROY L. PITZEN

I have been informed that Roy Pitzen has been scheduled for a review before the State Board of Nursing. As you are aware Mr. Pitzen was recently placed on probation for the misdemeanor offense of Using Forged Prescriptions to Obtain a Controlled Substance. It is my understanding that this is the basis for the disciplinary review.

Please be advised that Mr. Pitzen has no prior criminal record, that his offense occurred before he started working as a county nurse, and as such was not work related. It is my opinion that Mr. Pitzen is suffering from Post Traumatic Stress Syndrome as a result of his military experience in Vietnam. I believe that his involvement in the prescription drug usage was a secondary symptom of the Post Traumatic Stress Syndrome. Mr. Pitzen currently leads the life of a respected, contributing citizen in the community. The primary objective of his probation is to guarantee that he receives treatment for Post Traumatic Stress. It is our hope that after he receives treatment he will be able to help start a program for Vietnam veterans in our area. Through the course of his employment as a county nurse, he is able to reach veterans in need.

I would like to ask the State Board of Nursing not to suspend Mr. Pitzen's nursing license because I believe it would not only serve to be a hardship on Mr. Pitzen but the community as well.

Sincerely,

*Charlotte Newman*Charlotte Newman, Field Agent  
BUREAU OF COMMUNITY CORRECTIONS

CN:sc

cc: Anthony S. Earl  
Roy Pitzen  
FileRespondents C of C RECEIVE  
1/18/82 DARR 16 13

*Westshore Psychiatric Associates, S.C.*

JOHN B. McANDREW, M. D. E. C. PING, JR., M.D.  
105 WASHINGTON AVENUE SUITE 416, P. O. BOX 355  
OSHKOSH, WISCONSIN 54902

TELEPHONE: (414) 233-1773

November 3, 1983

Ms. Mary Laughlin  
Board of Nursing  
1400 E. Washington, Room 174  
PO Box 8936  
Madison, Wisconsin 53708

Exhibit B

Re: Roy Pitzen

Dear Ms. Laughlin:

I have seen Mr. Pitzen in my office for psychiatric treatment on 10 occasions since 3/16/83 with the most recent visit being on 10/27/83. If specific appointment dates for the remaining sessions are needed they can be furnished to you. He was referred to me by his Neurologist, Dr. Kenneth Viste, for treatment of symptoms which have included hyperirritability, pervasive anxiety, nightmares, over-reaction to noises, diarrhea, incapacitating headaches, and flashback episodes in which he relives combat situations which he experienced while in Vietnam. These flashback experiences are accompanied by uncontrolled episodes of crying, onset of headaches, and a fear of going to sleep. Treatment thus far has consisted of psychotherapy and medication. Medications have included Diazepam, in doses up to 30 mgs. daily, Lomotil up to three daily for episodes of diarrhea, and on two occasions he has received Tylenol #3, 10 tablets, non-refillable for intractable headaches. At the time of the last visit he was initiated on a trial of Trazadone which is an antidepressant medication and if this medication proves to be therapeutic his Diazepam dosage will be tapered and we may possibly be able to discontinue it. At this time I do think that he requires medication because of the severity of symptoms of anxiety and depression. Because of a question which had been raised at work regarding his possible use of nonprescribed medicines or an excessive amount of medication, a drug screen was carried out on 9/2/83. This screen was negative for Cannabinoids and only revealed evidence of Phenylpropanolamine, and Pseudoephedrine which were present because of a medication he had been taking for treatment of an upper respiratory infection.

Please contact if any further information is needed.

Sincerely,

*John B. McAndrew*  
John B. McAndrew, M.D.

JBM:dcw