

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :

LYNN A. MILLER, R.N.,
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 0001694

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

Lynn A. Miller
4172 Menominee River Parkway
Wauwatosa, WI 53222

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 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. 227.49. The petition in this instance would be captioned with Lynn A. Miller as the Respondent.

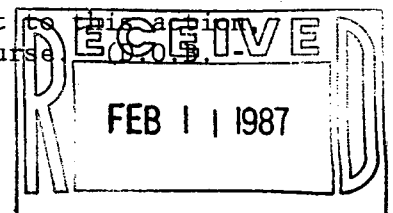
A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by 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. 227.53. 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. Lynn A. Miller is, and was at all times relevant to this caption, duly licensed in the State of Wisconsin as a registered nurse (September 4, 1933.)



2. On exact dates unknown, but from approximately February, 1985 through April 9, 1985, Ms. Miller diverted quantities of phenobarbital for her personal use from the supplies of discharged patients of her employer, Elmbrook Memorial Hospital, Brookfield, Wisconsin for her personal use.

3. Phenobarbital is a Schedule IV controlled substance.

4. On April 9, 1985, Ms. Miller entered in-patient treatment at McBride Treatment Center for treatment of chemical dependency. She completed in-patient treatment on May 22, 1985 and was discharged to residency at Mc Bride Recovery House. On July 1, 1985, Ms. Miller was hospitalized for a myocardial infarction. Following that hospitalization, she continued and still continues on an out-patient basis with McBride Treatment Center.

CONCLUSIONS OF LAW

By the conduct described above, Ms. Miller is subject to disciplinary action against her license pursuant to Wis. Stats. secs. 441.07(1)(c) and (d) and Wis. Adm. Code sec. N 7.03(2) and N 7.04(2) and (15).

Therefore, it is hereby ORDERED:

(a) The license of Ms. Miller is SUSPENDED for a period of not less than two (2) years. The suspension shall be stayed for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. Ms. Miller may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon Ms. Miller's acceptable demonstration of compliance with the conditions and limitations imposed on Ms. Miller's practice during the prior three (3) month period.

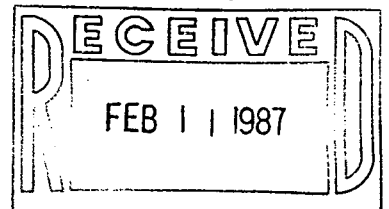
ii. If the Board denies the petition by Ms. Miller for an extension, the Board shall afford Ms. Miller an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 and upon timely receipt of a request for hearing.

iii. Upon successful compliance for a period of two (2) years with the terms of paragraph (b), below, the Board shall grant a petition by Ms. Miller for a return of full licensure.

iv. In consideration of Ms. Miller's regime of treatment commencing on April 9, 1985, the Board reduces the two (2) year compliance period by 23 months.

(b) CONDITIONS OF STAY.

i. Ms. Miller must remain in a program acceptable to the Board for the treatment of chemical dependency. As a part of her treatment, Ms. Miller must attend therapy on a schedule that is recommended by her therapist; attendance, however, shall be required at least one time per month. In addition, Ms. Miller must attend Alcoholics Anonymous or Narcotics Anonymous at least three times per week.



ii. Upon request of the Board, Ms. Miller must provide the Board with current releases complying with state and federal laws, authorizing release of her counseling, treatment and monitoring records.

iii. Ms. Miller must remain free of alcohol, prescription drugs and controlled substances not prescribed for a valid medical purpose during the period of limitation.

iv. Ms. Miller must participate in a program of random, witnessed monitoring, on the basis of at least four times per month for controlled substances and alcohol in her blood and/or urine. If the therapist supervising Ms. Miller's plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Miller must submit to those screens.

Ms. Miller 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 witnessed gatherings of specimens for evaluation. It must further agree to file an immediate report with the Board of Nursing upon such failures to participate as: if Ms. Miller fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Miller refuses to give a specimen for analysis upon a request authorized under the terms of this order.

v. Ms. Miller 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; and from her counselor evaluating her attendance and progress in therapy as well as evaluating her level of participation at AA/NA meetings. The employer reports for Ms. Miller shall include a description of any access to controlled substances by Ms. Miller.

vi. Ms. Miller shall report to the Board within five (5) days of any change in her employment status.

(c) Ms. Miller may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions.

(d) Violation of any of the terms of this order may result in the summary suspension of Ms. Miller's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations on Ms. Miller's practice; or the imposition of other additional discipline.

(f) This order shall become effective ten (10) days following the date of its signing.

BOARD OF NURSING

By: *Suzanne Schuber*
A Member of the Board

Date *March 20, 1987*

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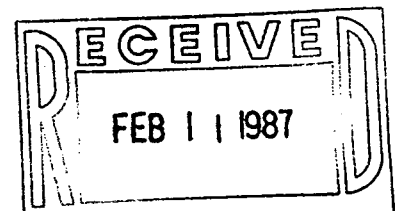
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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
: STIPULATION
LYNN A. MILLER, R.N., :
RESPONDENT. :

It is hereby stipulated between Lynn A. Miller, R.N., personally on her own behalf 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. Miller's licensure by the Division of Enforcement (85 NURSE 64). Ms. Miller consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Miller 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 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Ms. Miller agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.
4. 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.
5. 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.
6. Attached to this Stipulation is the current licensure card of Ms. Miller. If the Board accepts the Stipulation, Ms. Miller's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Ms. Miller shall be returned to her with a notice of the Board's decision not to accept the Stipulation.
7. Also attached to this Stipulation are copies of Ms. Miller's health care records for review by the Board in conjunction with their consideration of the attached Final Decision and Order.



8. The Division of Enforcement joins Ms. Miller in recommending the Division of Enforcement adopt this Stipulation and issue the attached Final Decision and Order.

Lynn A. Miller R.N.
Lynn A. Miller, R.N.

2-14-87
Date

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

February 11, 1987
Date

SMG:la
051-124

