

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JANNA J. STAMSTAD, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION
AND ORDER

ORDER 0001721

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.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 17 day of July, 1987.

May Ann Clark

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing

The date of mailing of this decision is July 20, 1987.

WLD:dms
886-490

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

JANNA J. STAMSTAD, R.N., :
RESPONDENT. :

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

Janna J. Stamstad, R.N.
Box 46
Grey Bull, Wyoming 82426

Board of Nursing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Department of Regulation & Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing was held in the above-captioned matter on May 5, 1987.
Appearing on behalf of the complainant was Attorney Steven M. Gloe, Department
of Regulation and Licensing, Division of Enforcement, 1400 East Washington
Avenue, P.O. Box 8935, Madison, Wisconsin. The respondent, Janna J.
Stamstad, R.N., did not appear at the hearing.

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

FINDINGS OF FACT

1. Janna J. Stamstad, also known as Janna Hanson and referred to herein
as "respondent", is and was at all times relevant to this action duly licensed
in the State of Wisconsin as a registered nurse, pursuant to license #50630.
This license was issued on September 6, 1969.

2. On an exact date (or dates) unknown, respondent stole prescription
pads from her employer, La Crosse Lutheran Hospital, 1910 South Avenue,
La Crosse, Wisconsin.

3. Using the prescription pads referred to above, respondent submitted
forged prescriptions for Tylenol #3 (Tylenol with Codeine) to K-Mart Pharmacy,
3131 U.S. Highway 16, La Crosse, Wisconsin, on or about August 8, 1985,

September 4, 1985, and October 7, 1985. These prescriptions were filled, and respondent obtained Tylenol with Codeine in the quantities indicated on the prescriptions. Copies of the forged prescriptions are attached hereto.

4. Tylenol #3 is a Schedule III controlled substance.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. Ch. 441.

2. By the conduct set forth in the Findings of Fact, respondent is subject to disciplinary action against her license pursuant to Wis. Stats. sec. 441.07(1)(b) and (d), and Wis. Adm. Code sec. N 7.04(1), and (2), and (15).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Janna J. Stamstad to practice as a registered nurse in the State of Wisconsin shall be, and hereby is, revoked.

OPINION

The respondent, Janna J. Stamstad, is charged with having stolen prescription pads which she subsequently used to forge prescription orders for Tylenol #3. At the hearing in this matter the complainant introduced evidence constituting proof of the allegations contained within the Complaint. Ms. Stamstad did not appear at the hearing.

The allegations in the Complaint having been established, the only issue presented is the appropriate discipline, if any, to be imposed. In determining this issue, it must be noted that the interrelated purposes for applying disciplinary measures are: 1) to promote the rehabilitation of the licensee, 2) to protect the public, and 3) to deter other licensees from engaging in similar conduct. State v. Aldrich, 71 Wis. 2d 206, 209 (1976).

Complainant's attorney recommended that Ms. Stamstad's license be revoked in that there is no evidence of rehabilitation. A letter received by the examiner from Ms. Stamstad the day prior to the hearing, which indicated she would not be able to attend, stated that her conduct "... was not a dependency problem but rather done during a period of great emotional distress...." In any event, the record in this case establishes extremely serious conduct, from which other licensees should be deterred, and indicates a need for the board to further evaluate Ms. Stamstad's rehabilitative efforts prior to permitting her to practice nursing in this state in the future.

Wis. Stats. sec. 441.07(2), provides that "(a) certificate or license revoked may, after one year, upon application be reinstated by the board." In my opinion, a revocation of Ms. Stamstad's license at this time is necessary in order to further the objective of deterring such conduct, and will provide Ms. Stamstad with an opportunity to reapply for licensure after

one year if she decides to return from Wyoming. Most significantly, it will assure the board of an opportunity to evaluate Ms. Stamstad's situation at that time.

Dated: May 8, 1987.

Respectfully submitted,

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

Donald R. Rittel
Hearing Examiner

DRR:la
4166

LA CROSSE LUTHERAN HOSPITAL

LA CROSSE, WISCONSIN 54601

R FOR Janna Hanson
ADDRESS _____ DATE 9/4/85

Tylenol c cod. #3
Disp #50
Sig: $\dot{\bar{I}} - \bar{II}$ Q4^{pm} pain

GENERIC
EQUIVALENT
AUTHORIZED
BY PATIENT

JANNA HANSON
RX 102002 DR. BERTELLI
09/05/85 50.0 \$5.94
APAP/COD TAB 30MG LTD

LABEL
REG. NO. AB2846751 BerTELLI M.D.
REFILL 2, 3, 4, 5.
Form #46-01P
Rev 9-75 MAY BE FILLED AT PHARMACY OF YOUR CHOICE.

LA CROSSE LUTHERAN HOSPITAL

LA CROSSE, WISCONSIN 54601

R FOR Janna Hanson
ADDRESS _____ DATE 10/1/85

Tylenol c cod. #3
Disp #50
Sig: $\dot{\bar{I}} - \bar{II}$ Q4^{pm} pain

GENERIC
EQUI
AUTHO
BY PATIENT

LABEL
REG. NO. AB2846751 BerTELLI M.D.
REFILL 1, 2, 3, 4, 5.
Form #46-01P
Rev 9-75 MAY BE FILLED AT PHARMACY OF YOUR CHOICE.

LA CROSSE LUTHERAN HOSPITAL

LA CROSSE, WISCONSIN 54601

R FOR Janna Hanson
ADDRESS _____ DATE 8/8/85

Tylenol #3 - #50
Sig: $\dot{\bar{I}} - \bar{II}$ Q4^{pm} pain

JANNA HANSON
RX 101228 DR. BERTELLI
08/09/85 50.0 \$5.94
APAP/COD TAB 30MG KB

LABEL
DR. BerTELLI
DISPENSE AS WRITTEN
GENERIC SUBSTITUTION PERMITTED
REFILL X 1 DEA NO. AB2846751
Form #46-01P
MAY BE FILLED AT PHARMACY OF YOUR CHOICE.

Exhibit 1