

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
FRANCINE K. EISELE, R.N.,	:	
RESPONDENT	:	

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

Francine K. Eisele
5614 Taychopera Road
Madison, WI 53705

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Francine K. Eisele, R.N. (D.O.B. 02/01/60) is duly licensed as a registered nurse in the state of Wisconsin (license #104958). This license was first granted on September 9, 1990.

2. Ms. Eisele's most recent address on file with the Wisconsin Board of Nursing is 5614 Taychopera Road, Madison, WI 53705.

3. On exact dates unknown, but beginning in approximately 1986 and continuing up through July, 1991, Ms. Eisele obtained medications for her personal use by phoning in prescriptions without physician authorization.

4. On exact dates unknown, but during at least July, 1991, Ms. Eisele obtained controlled substances for her personal use by use of forged prescriptions. Ms. Eisele stole a prescription pad to prepare the

prescriptions she used to obtain narcotics during this period of time.

CONCLUSIONS OF LAW

By the conduct described above, Francine K. Eisele is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1)(b), (c) and (d), and Wis. Adm. Code §§N7.03(2) and 7.04(1), (2) and (15).

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Francine K. Eisele shall be SUSPENDED for a period of not less than TWO (2) years.

(a) IT IS FURTHER ORDERED that 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. Francine K. Eisele may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Ms. Eisele's practice during the prior three (3) month period.

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

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

(b) CONDITIONS OF STAY

i. Ms. Eisele shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Ms. Eisele must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least four (4) times per month. In addition, Ms. Eisele must attend Alcoholics or Narcotics Anonymous at least one (1) time per week.

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

iii. Ms. Eisele shall remain free of alcohol. prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Ms. Eisele must participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. If the physician or

therapist supervising her plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Eisele shall submit to such additional screens.

Ms. Eisele 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 shall agree to provide random and witnessed gatherings of specimens for evaluation. The facility must agree to maintain a custody record of all specimens, and to confirm positive test results with gas chromatography or mass spectrometry. It shall further agree to file an immediate report directly with the Board of Nursing upon such failures to participate as: if Ms. Eisele fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Eisele refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Ms. Eisele understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of further actions affecting Ms. Eisele's license, it shall be presumed that all confirmed positive reports are valid. Ms. Eisele shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Ms. Eisele shall arrange for quarterly reports to the Board of Nursing from her employer evaluating her work performance; from the monitoring facility providing the dates and results of the screenings performed; and (if applicable) from her counselor evaluating Ms. Eisele's attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

vi. Ms. Eisele shall refrain from access to or the administration of controlled substances in her work setting until such time as access or administration is approved by the Board.

vii. Ms. Eisele shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Ms. Eisele 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 a summary suspension of Ms. Eisele's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

(e) This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

Regulene Johnson
A Member of the Board

MS
Date

5/1/92

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
FRANCINE K. EISELE, R.N.,	:	91 NUR 179
RESPONDENT	:	

It is hereby stipulated between Francine K. Eisele, 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 in resolution of the pending proceedings concerning Ms. Eisele's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Ms. Eisele 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 a preponderance of the 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. Eisele is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Ms. Eisele agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. 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. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation is the current licensure card of Francine K. Eisele. If the Board accepts the Stipulation, Ms. Eisele'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. Eisele 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. Eisele's health care records for review by the Board in conjunction with their consideration of the attached Final Decision and Order.

8. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

9. The Division of Enforcement joins Ms. Eisele in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Francine K. Eisele, R.N.

Francine K. Eisele, R.N.

3-7-92

Date

Steven M. Gloe

Steven M. Gloe, Attorney
Division of Enforcement

3.10.92

Date

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 May 4, 1992.