

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

RANDY J. CORNELL, R.N.,  
RESPONDENT

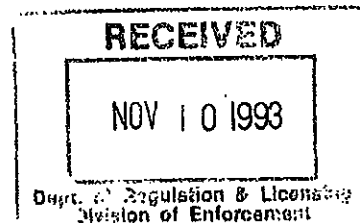
FINAL DECISION AND ORDER  
93 NUR 076

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

Randy J. Cornell  
2001 Reetz Road  
Madison, WI 53711

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. Randy J. Cornell (D.O.B. 06/09/60) is duly licensed in the state of Wisconsin to practice as a registered nurse (license #84091). This license was first granted on March 25, 1983.
2. Mr. Cornell's latest address on file with the Department of Regulation and Licensing is 2001 Reetz Road, Madison, WI 53711.
3. On exact dates unknown, but beginning at least in September, 1992 and continuing on through April, 1993, Mr. Cornell diverted quantities of Demerol™, Dilaudid™ and Percocet™ for his personal use from supplies at Mr. Cornell's place of employment. Mr. Cornell was working during this time as a registered nurse at St. Mary's Hospital Medical Center, 707 South Mills Street, Madison, Wisconsin.
4. On or about April 20, 1987, the Board of Nursing issued an order

accepting Mr. Cornell's surrender of license. On September 21, 1990, the Board issued Mr. Cornell a limited license, and on November 5, 1991, the Board returned Mr. Cornell to full and unrestricted license privileges. Copies of all previous orders by the Board of Nursing affecting Mr. Cornell's licensure are attached to this Order as Exhibit A.

4. Mr. Cornell consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow him to continue his nursing career, in light of the facts and circumstances of this case.

#### CONCLUSIONS OF LAW

Randy J. Cornell is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §§N7.03(2) and N7.04(1), (2) and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Randy J. Cornell to practice as a nurse in the state of Wisconsin (#84091) shall be SUSPENDED for an INDEFINITE PERIOD of time.

(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. Randy J. Cornell may apply for consecutive three (3) month extensions of a stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Mr. Cornell's practice during the prior three (3) month period.

ii. If the Board denies a petition by Mr. Cornell 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. Mr. Cornell may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the conditions and/or limitations in effect against his license.

iv. Upon a showing by Mr. Cornell of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (b), below, Mr. Cornell may petition for return of full licensure. The Board may, in its discretion, require that Mr. Cornell complete at least six (6) months of full nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

(b) CONDITIONS OF STAY

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

ii. Mr. Cornell shall work as a nurse only in settings approved by the Board. Approval shall be obtained prior to commencement of nursing duties, and may be granted by a member or designated agent of the Board of Nursing. Until specifically approved by the Board, Mr. Cornell shall refrain from all nursing employment involving patient contact. Mr. Cornell shall in addition refrain from access to or the administration of controlled substances in his work setting until such time as access or administration is approved by the Board.

iii. Upon request of the Board, Mr. Cornell shall provide the Board with current releases complying with state and federal laws, authorizing release of his counseling, treatment and monitoring records, and employment records.

iv. Mr. Cornell shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

v. Mr. Cornell must participate in a program of random witnessed monitoring for controlled substances and alcohol in his blood and/or urine on a frequency of not less than four (4) times per month. The Board or its designated agent may alter this frequency in conjunction with the granting of a petition for a stay of suspension. If the physician or therapist supervising his plan of care or his employer deems that additional blood or urine screens are warranted, Mr. Cornell shall submit to such additional screens.

Mr. Cornell 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 Wisconsin Board of Nursing upon such failures to participate as: if Mr. Cornell fails to appear upon request; or if a drug or alcohol screen proves positive; or if Mr. Cornell refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

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

vi. Mr. Cornell shall provide his nursing employer and any prospective nursing employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which a stay of suspension is in effect. In addition, Mr. Cornell shall provide his employer with a copy of any order granting an extension of stay under this Order within five (5) days of Mr. Cornell's receipt of an order granting a stay.

Mr. Cornell shall immediately provide his employer with a copy of any denial of an extension of stay under this Order.

vii. Mr. Cornell shall arrange for quarterly reports to the nursing Examining Board from his employer evaluating his work performance; from the monitoring facility providing the dates and results of the screenings performed; and from his treatment provider(s) evaluating Mr. Cornell's attendance and progress in therapy as well as evaluating his level of participation at NA/AA meetings.

viii. Mr. Cornell 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) Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. Cornell's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

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

BOARD OF NURSING

By: Jacqueline Johnson, MS  
A Member of the Board

Date

11-5-93

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
RANDY J. CORNELL, R.N.,	:	93 NUR 076
RESPONDENT	:	

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It is hereby stipulated between Randy J. Cornell, personally on his 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 Mr. Cornell's licensure by the Division of Enforcement (93 NUR 076). Mr. Cornell consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Cornell understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Cornell is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Mr. Cornell 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.

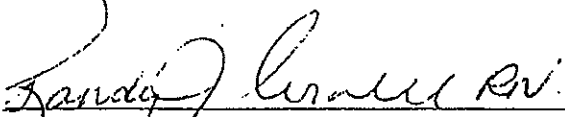
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties 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 Randy J. Cornell. If the Board accepts the Stipulation, Mr. Cornell's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the

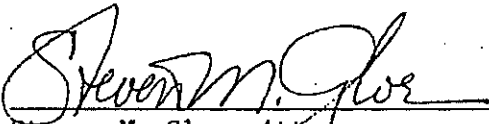
license of Mr. Cornell shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation 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.

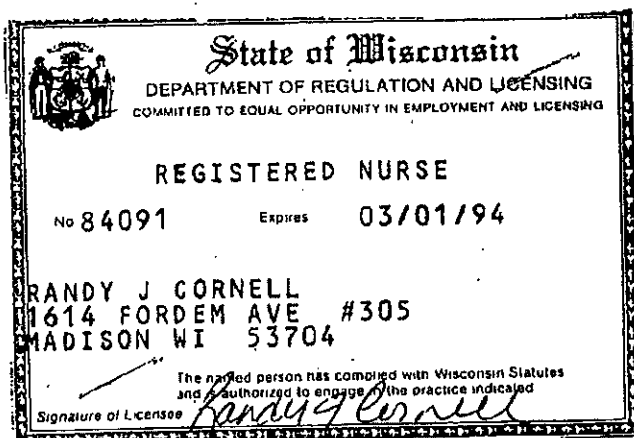
8. The Division of Enforcement joins Mr. Cornell in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

  
Randy J. Cornell, R.N.

12 Oct 93  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

14 October 93  
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 November 10, 1993.**