

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
 : 93 NUR 064  
DEBRA ANN HAYNE, L.P.N., :  
RESPONDENT :  
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ORDER 0001667

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

Debra Ann Hayne  
211 McDivitt Lane  
Mukwonago, WI 53249

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. Debra Ann Hayne (D.O.B. 11/11/52) is duly licensed in the state of Wisconsin to practice as a practical nurse (license #25447). This license was first granted on November 24, 1982.

2. Ms. Hayne's latest address on file with the Department of Regulation and Licensing is 211 McDivitt Lane, Mukwonago, WI 53249.

3. On or about August 2, 1993, Ms. Haynes was convicted on a plea of no contest to one count of violation of Wis. Stats. §161.38(5). True and correct copies of the Criminal Complaint and Judgment of Conviction relating to this conviction are attached to this document as Exhibit A. Exhibit A is incorporated by reference into this Final Decision and Order.

4. Ms. Hayne consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow her to continue her nursing

career, in light of the facts and circumstances of this case.

#### CONCLUSIONS OF LAW

Debra Ann Hayne is subject to disciplinary action against her license to practice as a practical 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 Debra Ann Hayne to practice as a nurse in the state of Wisconsin (#25447) 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. Debra Ann Hayne 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 Ms. Hayne's practice during the prior three (3) month period.

ii. If the Board denies a petition by Ms. Hayne 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. Ms. Hayne 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 her license.

iv. Upon a showing by Ms. Hayne of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (b), below, Ms. Hayne may petition for return of full licensure. The Board may, in its discretion, require that Ms. Hayne complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license.

#### (b) CONDITIONS OF STAY

i. Ms. Hayne shall maintain compliance with the terms of her probation and arrange for her probation officer to inform the Board of Nursing immediately of any action affecting the status of Ms. Hayne's probationary status.

ii. Ms. Hayne shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. Ms. Hayne shall maintain successful participation in her treatment program as a condition of continued licensure. As a part of treatment, Ms.

Hayne 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. Hayne must attend Alcoholics Anonymous, Narcotics Anonymous or other group therapy acceptable to the Board at least one (1) time per week.

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

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

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

Ms. Hayne 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 Ms. Hayne fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Hayne refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

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

vi. Ms. Hayne 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. Hayne shall provide her 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, Ms. Hayne shall provide her employer with a copy of any order granting an extension of stay under this Order within five (5) days of Ms. Hayne's receipt of an order

granting a stay.

Ms. Hayne shall immediately provide her employer with a copy of any denial of an extension of stay under this Order.

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

ix. Ms. Hayne 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 Ms. Hayne'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 RN MS  
A Member of the Board

11-5-93  
Date

UNITED STATES OF AMERICA

State of Wisconsin, Waukesha County

OFFICE OF THE CLERK OF THE CIRCUIT COURT.

I, Cynthia S. Ernst, Clerk of the Circuit Court of the County of

Waukesha, in the State of Wisconsin, the said Circuit Court being a court of record and having a

seal, do hereby certify that the annexed has been compared by me with the original

State of Wisconsin vs. Debra A. Hayne - 11/11/52

Case #93CF0179 - Judgment of Conviction

and that the same is a true copy of the original and of the whole thereof, as the same now remains on file and of record in my custody in said Circuit Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and

affixed the seal of said Circuit Court at the City of Waukesha,

in said county and state, this 23rd day of

August, A. D. 19 93

Clerk of the Circuit Court aforesaid.

By Debra S. Kelsner Deputy Clerk.

CT-126

EXHIBIT A

State of Wisconsin, Plaintiff -vs- Debra Ann Hayne, Defendant <u>2/2/52</u> <small>Defendant's Date of Birth</small>	<b>TYPE OF CONVICTION (Select One)</b> <input type="checkbox"/> Sentence to Wisconsin State Prisons <input checked="" type="checkbox"/> Sentence Withheld, Probation Ordered <input type="checkbox"/> Sentence Imposed & Stayed, Probation Ordered
<b>COURT CASE NUMBER</b> 93 CF 179	

The defendant entered plea(s) of:  Guilty  Not Guilty  No Contest

The  Court  Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
Practitioner writing prescription for own personal use	161.38(5)	M		6/21/92

IT IS ADJUDGED that the defendant is convicted on 8/2/93 as found guilty and:

- on \_\_\_\_\_ is sentenced to prison for \_\_\_\_\_
- on \_\_\_\_\_ is sentenced to intensive sanctions for \_\_\_\_\_
- on \_\_\_\_\_ is sentenced to county jail/HOC for \_\_\_\_\_
- on 8/2/93 is placed on probation for 1 year

**CONDITIONS OF SENTENCE/PROBATION**

Obligations: (Total amounts only)

<b>Fine</b> <small>(includes jail assessments; drug assessments; penalty assessments)</small>	\$ <u>130.00</u>
<b>Court costs</b> <small>(includes service fees; witness fees; restitution surcharge; domestic abuse fees; subpoena fees; automation fees)</small>	\$ <u>20.00</u>
<b>Attorney fees</b>	\$ _____
<b>Restitution</b>	\$ _____
<b>Other</b>	\$ _____
<b>Mandatory victim/witness surcharge(s)</b>	
felony _____ counts \$ _____	
misdemeanor <u>1</u> counts \$ <u>30.00</u>	

**Jail:** To be incarcerated in the county jail/HOC for \_\_\_\_\_

**Confinement Order** For Intensive Sanctions sentence only - length of term: \_\_\_\_\_

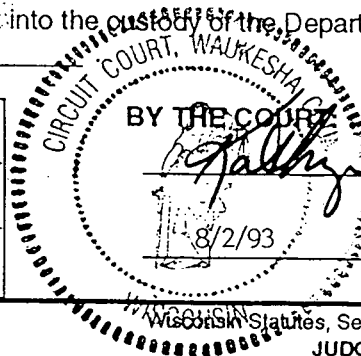
**Miscellaneous**

Defendant to engage in any treatment deemed necessary by DOC. Defendant to continue in counselling. Defendant to sign release form for counselling in lieu of AODA.

IT IS ADJUDGED that -0- days sentence credit are due pursuant to s. 973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of \_\_\_\_\_

NAME OF JUDGE Kathryn W. Foster
DISTRICT ATTORNEY Dennis Krueger, ADA
DEFENSE ATTORNEY Kathleen Hume



Circuit Court Judge/Clerk/Deputy Clerk

Date Signed

STATE OF WISCONSIN : CRIMINAL-TRAFFIC DIVISION : WAUKESHA COUNTY  
CIRCUIT COURT

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STATE OF WISCONSIN,

Plaintiff,

vs.

CRIMINAL COMPLAINT

DEBRA ANN HAYNE  
211 McDivitt  
Mukwonago, WI 53149  
DOB: 2/2/52

Defendant.

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Milton Cruz, Specialist with the City of Waukesha Police Department, being first duly sworn on oath, upon information and belief, says that:

On or about June 21, 1992, at Waukesha Memorial Hospital, 725 American Avenue in the City of Waukesha, Waukesha County, Wisconsin, the defendant, Debra Ann Hayne, did acquire or obtain possession of a controlled substance, to-wit: Percocet, classified as a controlled substance in Schedule II, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to Section 161.43 (1) (a), Wisconsin Statutes.

And further advising the Court that upon conviction of the above-alleged offense, the above-named defendant is subject to a fine of not more than \$30,000 or imprisonment of not more than four (4) years, or both.

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon the investigative reports of Detective Douglas Kennedy of the City of Waukesha Police Department.

Said reports indicate that on June 23, 1992, Detective Douglas Kennedy of the City of Waukesha Police Department met with the nursing director of Waukesha Memorial Hospital, Sue Tatsak. Tatsak advised that Waukesha Memorial became aware of the unauthorized dispensing of narcotics from one of the drug carts containing narcotics. Sue Tatsak indicated that she felt the person involved in this theft was Debra Hayne, a part-time employee. Sue Tatsak advised that Hayne had been on duty the evening of June 21, 1992, which was the night the forgery and theft of drugs occurred.

Detective Kennedy indicates speaking Denise Laurenz of Waukesha Memorial who provided Detective Kennedy with a drug dispensing sheet which the Hospital indicated was kept on the drug carts on each floor, notes on the sheets indicated that on June 21, 1992, at 5:30 p.m. the drug of Percocet, a proprietary name for a preparation containing oxycodone, which Detective Kennedy indicates is a Schedule II controlled substance, was dispensed to patient, Toby Cohn, in room #5133 at Waukesha Memorial Hospital. According to the narcotics sheet, on drug cart B Percocet was dispensed by Nurse L.



Bracke and the patient, Toby Cohn, was given two Percocet tablets on that date at that time. In checking their records, Denise Laurenz indicates Nurse Bracke was not on duty at all on June 21, 1992, and in speaking with Bracke, she stated that she had never dispensed the drug Percocet to patient Toby Cohn, nor did she sign the drug record sheet.

Detective Kennedy indicates that in checking the log record for what was labeled cart C, there were also additional notations with the date June 21, 1992 at 5:30 p.m. with the dispensing of two tablets of the drug Percocet to Toby Cohn and the signature on that sheet was Nurse D. Johnson. In speaking with Johnson, she indicates she was not on duty during that time on June 21, 1992.

Laurenz indicates Waukesha Memorial became aware of the forgeries when another nurse was giving the drug Percocet to Toby Cohn; Cohn advised the nurse that she was not suppose to get the drug Percocet, but that she had been getting the drug Percodan which she described correctly as being a yellow tablet. The nurse checked and found that patient Cohn was indeed supposed to be receiving Percodan.

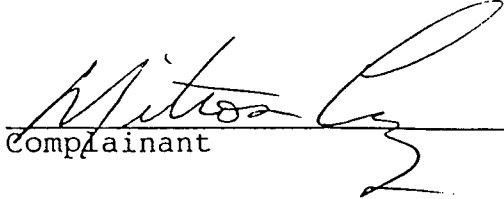
Said reports indicate speaking to Debra Hayne, who after being fully advised of her constitutional rights and waiver of the same, stated she was not involved in the forgery or theft of drugs from Waukesha Memorial Hospital. She stated on the night in question she did not have a key to the drug locker and did provide a handwriting exemplar to Detective Kennedy.

Known handwriting samples of Debra Hayne were furnished to Detective Kennedy for comparison purposes with the entries on the drug record sheets, and in making a quick check, it appeared to Detective Kennedy that there were similarities in the handwriting of the forged drug documents and that of Debra Hayne.

In explaining the procedure for the locked drug carts, Waukesha Memorial staff showed Detective Kennedy that there were four carts per floor lettered A, B, C, and D, and on the evening in question, Debra Hayne was assigned to work on carts B and C. The procedure involved was that the narcotics carts were doubled locked with each member of the staff given a key to work all four drug carts. There is an initial lock on the top of the cart which has to be unlocked; and the same key is used to open the bottom drawer which is the narcotics drawer. On the evening in question, in checking the Percocet supply for June 21, 1992, four Percocet were signed out to Toby Cohn and were missing from the drug locker.


Detective Kennedy indicates that handwriting samples of Debra Hayne were then taken to the State Crime Lab and analyzed by examiner James Lewis who confirmed the fact that Debra Hayne did forge the drug records in question at Waukesha Memorial Hospital. Detective Kennedy further indicated that, to his knowledge, Debra Hayne was still working in the health field and did have access to drugs.

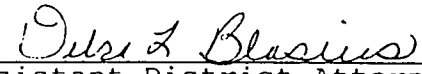
Based on the foregoing, the complainant believes this complaint to be true and correct.

  
Complainant

Subscribed and sworn to before me  
this 2nd day of March, 1993.

APPROVED FOR FILING:

  
Assistant District Attorney  
State Bar # 1001293

  
Assistant District Attorney  
State Bar #1002731

DLB:mm

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DEBRA ANN HAYNE, L.P.N.,	:	93 NUR 064
RESPONDENT	:	

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It is hereby stipulated between Debra Ann Hayne, 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. Hayne's licensure by the Division of Enforcement (93 NUR 064). Ms. Hayne consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Hayne 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 Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Hayne 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. Hayne 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.

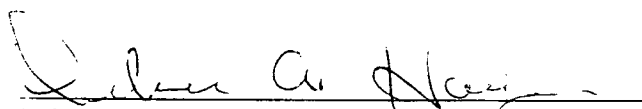
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties 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 Debra Ann Hayne. If the Board accepts the Stipulation, Ms. Hayne'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 Ms.


Hayne shall be returned to her 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.

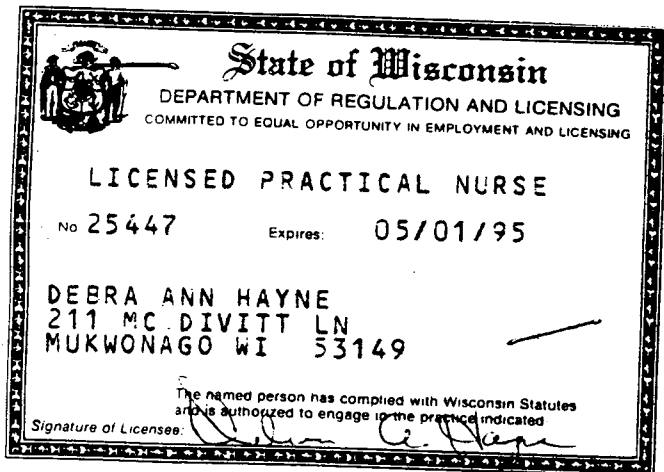
8. The Division of Enforcement joins Ms. Hayne in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

  
Debra Ann Hayne, L.P.N.

9/15/93  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

5.17.93  
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.



PDF: DE00000001553-19931105

Order Dates:  
NOV 05, 1993

Respondent Names:  
HAYNE, DEBRA ANN, LPN

Complaint IDs:  
93NUR064

Profession:  
LICENSED PRACTICAL NURSE

Boards:  
NUR

Short Description:  
SUSPENDED INDEFINITELY. STAYED THREE MONTHS WITH LIMITATIONS.

Case Summary:  
CONVICTED OF A PLEA OF NO CONTEST TO ONE COUNT OF VIOLATION OF S.  
161.38 (5) (WRITING PRESCRIPTION FOR OWN PERSONAL USE).

