

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROSEMARY K. BLOOM, R.N.,
RESPONDENT

FINAL DECISION AND ORDER
93 NUR 075

ORDER 0001778

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

Rosemary K. Bloom
6260 County Road M
Winneconne, WI 54986

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. Rosemary K. Bloom (D.O.B. 05/08/55) is duly licensed in the state of Wisconsin to practice as a registered nurse (license #73617). This license was first granted on September 1, 1979.

2. Ms. Bloom's latest address on file with the Department of Regulation and Licensing is 6260 County Road M, Winneconne, WI 54986.

3. On or exact dates unknown, but beginning at least by January, 1993 and continuing on through May 6, 1993, Ms. Bloom diverted narcotics for her personal use from her employers' pharmaceutical supplies. Ms. Bloom was working during this time as a registered nurse at Appleton Medical Center and St. Elizabeth's Hospital, both in Appleton, Wisconsin.

4. Ms. Bloom replaced the drugs she diverted with saline solution to cover her diversion.

5. Ms. Bloom 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

Rosemary K. Bloom 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 Rosemary K. Bloom to practice as a nurse in the state of Wisconsin (#73617) 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. Rosemary K. Bloom 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. Bloom's practice during the prior three (3) month period.

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

(c) CONDITIONS OF STAY

i. Ms. Bloom shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. Ms. Bloom shall maintain successful participation in her treatment program as a condition of continued licensure. As a part of treatment, Ms. Bloom 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. Bloom must attend Alcoholics Anonymous, Narcotics Anonymous or

other group therapy acceptable to the Board at least one (1) time per week.

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

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

iv. Ms. Bloom 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. Bloom shall submit to such additional screens.

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

Ms. Bloom understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of further actions affecting Ms. Bloom's license, it shall be presumed that all confirmed positive reports are valid. Ms. Bloom 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. Bloom 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.

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

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

vii. Ms. Bloom 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. Bloom's attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

viii. Ms. Bloom 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.

(d) 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. Bloom'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.

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

BOARD OF NURSING

By:

Jacqueline Johnson RN MS
A Member of the Board

Date

9/10/93

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
ROSEMARY K. BLOOM, R.N.,	:	93 NUR 075
RESPONDENT	:	

It is hereby stipulated between Rosemary K. Bloom, 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. Bloom's licensure by the Division of Enforcement (93 NUR 075). Ms. Bloom consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Bloom 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. Bloom 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. Bloom 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 Rosemary K. Bloom. If the Board accepts the Stipulation, Ms. Bloom'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. Bloom 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. Bloom in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Rosemary Bloom
Rosemary K. Bloom, R.N.

Aug. 25, 1993
Date

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

8.27.93
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 September 15, 1993.



PDF: DE00000001561-19930910

Order Dates:

SEP 10, 1993

Respondent Names:

BLOOM, ROSEMARY K., RN

Complaint IDs:

93NUR075

Profession:

REGISTERED NURSE

Boards:

NUR

Short Description:

SUSPEND FOR INDEFINITE PERIOD. STAYED FOR 3 MONTHS WITH CONDITIONS AND LIMITATIONS.

Case Summary:

DIVERTED NARCOTICS FOR HER PERSONAL USE FROM HER EMPLOYERS' PHARMACEUTICAL SUPPLIES. REPLACED THE DRUGS SHE DIVERTED WITH SALINE SOLUTION TO COVER HER DIVERSION.

