

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

THOMAS M. NUGENT, R.N.,
RESPONDENT.

FINAL DECISION AND ORDER
93 NUR 209

ORDER 0001746

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

Thomas M. Nugent
15550 West Aptakisic Road
Lincolnshire, IL 60069

Wisconsin 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. Thomas M. Nugent (D.O.B. 3/17/50) is duly licensed in the state of
Wisconsin as a registered nurse (license # 030 0064666). This license was
first granted on April 9, 1976.
2. Respondent's latest address on file with the Department of
Regulation and Licensing is 15550 West Aptakisic Road, Lincolnshire, IL 60069.

*Amended
testimony
address is
based on
dependency*

3. On June 5, 1982, the license of Respondent to practice as a registered nurse in the state of California was revoked by the California Board of Registered Nursing upon a finding of repeated diversion of meperidine hydrochloride and codeine phosphate by Respondent from several health care facilities for his own use.

4. Respondent failed to notify the Wisconsin Board of Nursing of his criminal conduct, criminal conviction for violation of a law related to the practice of nursing, or the revocation of his California nursing license; however, Respondent continued to renew his Wisconsin nursing registration.

5. On April 3, 1993, the California Board of Nursing denied Respondent's petition for reinstatement of his certificate and license to practice as a registered nurse in California upon the following findings:

"Effective June 5, 1982, in case number 82-3, the Board revoked petitioner's license pursuant to the Business and Professions Code for violations of Sections 2761(a), (d), and (f) and Sections 2762 (a), (b) and (c) of said Code for variously unlawful possession of controlled substances (Demerol, Morphine Sulfate and Codeine Phosphate); self-administration while on duty; being under the influence and unable to practice safely; diverting patients' drugs to his own use; and conviction of a felony. In or about November of 1992, petitioner filed the pending petition for reinstatement."

"Since the revocation of his license, petitioner has completed his criminal court felony probation and in October of 1986, the matter was expunged pursuant to Section 1203.4 of the California Penal Code. His wife was transferred to Illinois, in her employment, and he has been working there as a furniture mover. In the Fall of 1992, he commenced and completed a 16 week Nursing Update Course at the College of Lake County, in Grayslake, Illinois, his only nursing experience in ten years."

" Petitioner claims to be chemical free since his conviction; however he has had no random drug screens or therapy since 1986.

Though petitioner successfully completed his criminal probation, the evidence failed to establish that he is sufficiently rehabilitated at this time to justify reinstatement of his license. He has participated in no on-going recognized drug abuse therapy program since 1986. He quit A.A. after half dozen meetings, dropped out of a nurse support group after two meetings, and the physical examination and blood panel that he offered in evidence contain no indication that he was screened or tested in any way for controlled substances."

"He apparently was able to renew a Wisconsin license, that he previously held and let lapse, without informing that state's Board of his felony conviction and the revocation of his California license."

CONCLUSIONS OF LAW

By the conduct described above, Thomas M. Nugent is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(a), (b), (c) and (d), and Wis. Adm. Code sec. N 7.03(1)(a) and (2) and N 7.04(1), (2) and (7).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The stipulation of the parties is accepted.
2. The VOLUNTARY SURRENDER by Thomas M. Nugent of his license to practice as a registered nurse in the state of Wisconsin is hereby accepted.
3. If the Respondent shall ever re-apply for a license to practice as a nurse in the state of Wisconsin:
 - a. The Board of Nursing may consider the Findings of Fact contained herein in determining whether to grant a license;
 - b. The Board of Nursing may require the Respondent to complete all requirements and to take and pass all examinations then required for original licensure;
 - c. As a reasonable accommodation to Respondent's condition, the Board of nursing may require proof to its satisfaction that the Respondent does not have a chemical dependence;
 - d. In the event that the Board considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license as the Board of Nursing deems appropriate at the time.

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".

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

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnson RNMS 7/8/94
A Member of the Board Date

jh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
|----------------------------------|---|-------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
| THOMAS M. NUGENT, R.N., | : | 93 NUR 209 |
| RESPONDENT | : | |

It is hereby stipulated between Thomas M. Nugent, personally on his own behalf and James W. Harris, 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 Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent 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 Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent 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. Respondent 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 Respondent. Respondent hereby agrees to voluntarily surrender his license to practice as a registered nurse in the state of Wisconsin under the terms of the Final Decision and Order to be entered in this case.

7. 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.

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

Thomas M. Nugent
Thomas M. Nugent

5/23/94
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

May 31, 1994
Date

jh



PDF: DE00000001594-19940708

Order Dates:

JUL 08, 1994

Respondent Names:

NUGENT, THOMAS M., RN

Complaint IDs:

93NUR209

Profession:

REGISTERED NURSE

Boards:

NUR

Short Description:

VOLUNTARY SURRENDER ACCEPTED.

Case Summary:

CALIFORNIA LICENSE REVOKED IN 1982 UPON A FINDING OF REPEATED DIVERSION OF DRUGS FROM HEALTH CARE FACILITIES FOR HIS OWN USE. FAILED TO NOTIFY WISCONSIN OF HIS CRIMINAL CONDUCT, CRIMINAL CONVICTION, OR REVOCATION OF HIS CALIFORNIA LICENSE BUT CONTINUED TO RENEW HIS WISCONSIN LICENSE.

