

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

ORDER 0001579

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
SUSAN J. JOYCE, LPN, : 94 NUR 166
RESPONDENT :
:

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

Susan J. Joyce, LPN
5451 Williams Bay #214
Madison, WI 53719

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. Susan J. Joyce (D.O.B. 10/14/41) is duly licensed as a practical nurse in the state of Wisconsin (license #3819). This license was first granted on April 13, 1961.
2. Ms. Joyce's most recent address known to the Division of Enforcement is ~~5451 Williams Bay #214~~, Madison, WI 53719.
5451 Williams Bay #214
3. On exact dates unknown but during the summer of 1994, Ms. Joyce diverted two (2) tablets of Halcion, two (2) tablets of Restoril and three (3) tablets of Dalmane from her employer, Methodist Health Center, 334 West Doty Street, Madison, Wisconsin. Ms. Joyce diverted these substances for the use of her fiancé.

CONCLUSIONS OF LAW

By the conduct described above, Susan J. Joyce is subject to disciplinary

*diverted for
another
underup assessment
treatment if necessary*

AS

action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Ms. Joyce is LIMITED, subject to the following terms and conditions:

i. Within forty-five (45) days from the date of this Order, Ms. Joyce shall submit to the Board or its designated agent a current assessment from a chemical dependency treatment program acceptable to the Board evaluating Ms. Joyce for chemical dependency and her ability to safely and competently practice nursing. To be considered current, the assessment shall have occurred within thirty (30) days from the date of its submission.

If based upon the assessment the Board determines that treatment is required, Ms. Joyce shall maintain successful participation in a program of treatment and therapy at a health care facility acceptable to the Board. As a part of treatment, Ms. Joyce must attend therapy on a schedule as recommended by her therapist; the Board, however, reserves the right to set a minimum frequency of therapy sessions per month.

In addition, the Board reserves the right to require Ms. Joyce to participate in a program of random witnessed monitoring of her blood and/or urine to assure compliance with this order. Monitoring shall occur on a frequency to be determined by the Board or its designated agent. If the physician or therapist supervising her plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Joyce shall submit to such additional screens.

If the Board requires chemical monitoring, Ms. Joyce 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 compliance with the terms of this Order.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for evaluation. All urine screens shall include testing and reporting of the specific gravity of the urine specimen. 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. Joyce fails to appear upon request; or if a drug or alcohol screen proves positive; or if the specific gravity of a urine specimen is below 1.008; or if Ms. Joyce refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Ms. Joyce shall appear and provide a specimen not later than five (5) hours following a request for a specimen, but in no event later than the same calendar date that the request was made. The random

drug and alcohol screening program shall include weekends and holidays for collection of specimens.

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

If her treatment provider recommends work restrictions in the field of nursing, Ms. Joyce shall restrict her practice in accordance with such recommendations.

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

iii. Ms. Joyce shall remain free of prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation. If Ms. Joyce is diagnosed as chemically dependent, she shall in addition refrain from the use of alcohol during the period of limitation.

iv. Ms. Joyce shall arrange for quarterly reports to the Board of Nursing from her employer evaluating her work performance.

v. The Board at this time imposes no restriction regarding Ms. Joyce's access to controlled substances in her work place. The Board reserves its right, however, to restrict Ms. Joyce from access to or the administration of controlled substances in her work setting, if it receives additional verified reports of irregularities in Ms. Joyce's handling or dispensing of controlled substances. If the Board or Ms. Joyce's employer for any reason deems that a blood or urine screen for the presence of controlled substances is warranted from Ms. Joyce, Ms. Joyce shall submit to such screens, and Ms. Joyce's employer shall report the results of any such screens immediately to the Board of Nursing. Ms. Joyce shall provide the Board with current releases complying with state and federal laws, authorizing release of drug screen results and employment records.

In the event that the Board chooses pursuant to this paragraph to restrict Ms. Joyce's access to controlled substances, the Board or its designated agent shall inform Ms. Joyce via certified mail of the imposition of the restriction. The restriction shall become effective upon mailing of the notification and remain in effect until such time as access or administration is approved by the Board. The imposition of a restriction 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.

vi. Ms. Joyce shall provide her employer and any prospective employers with a copy of this Final Decision and Order immediately upon issuance of this Order. Ms. Joyce shall in addition provide her employer and any prospective employers with a copy of this Final Decision and Order upon any change of

employment, or upon any change in the terms of the Order affecting Ms. Joyce's practice.

vii. Ms. Joyce 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.

viii. Until such time as approved by the Board,

a. Ms. Joyce shall practice only in settings where she works under supervision by another nurse or other licensed health care professional;

b. Ms. Joyce shall refrain from nursing employment as a pool nurse, a visiting nurse or other home care practitioner; and

c. Ms. Joyce shall refrain from employment as a charge nurse.

ix. Ms. Joyce may petition the Board at any time following one year from the date of this Order to revise or eliminate any of the above conditions. 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.

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. Joyce's license; the Board in its discretion may in the alternative impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

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

BOARD OF NURSING

By:

Pamela D. Maffei
A Member of the Board

Date

1/6/95

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
SUSAN J. JOYCE, LPN,	:	94 NUR 166
RESPONDENT	:	

It is hereby stipulated between Susan J. Joyce, 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. Joyce's licensure by the Division of Enforcement. Ms. Joyce consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Joyce 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 her; 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. Joyce is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Joyce 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 Susan J. Joyce. If the Board accepts the Stipulation, Ms. Joyce'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. Joyce 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 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. Joyce in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Susan J. Joyce LPN
Susan J. Joyce, LPN

10/27/94
Date

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

11.9.94
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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JANUARY 9, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)



PDF: DE00000001858-19950106

Order Dates:

JAN 06, 1995

Respondent Names:

JOYCE, SUSAN J., LPN

Complaint IDs:

94NUR166

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

LIMITED. ASSESSMENT IN 45 DAYS.

Case Summary:

DIVERTED HALCION, RESTORIL AND DALMANE FROM HER EMPLOYER.
DIVERTED SUBSTANCES FOR THE USE OF HER FIANCE.

