

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

CHERYL M. ABRAHAM, R.N.,
RESPONDENT.

FINAL DECISION AND ORDER
93 NUR 233

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

Cheryl M. Abraham
4470 South Harland Drive
New Berlin, WI 53151

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. Cheryl M. Abraham (D.O.B. 2/17/58) is duly licensed in the state of
Wisconsin as a registered nurse (license # 030 0085500). This license was
first granted on September 1, 1983.

2. Respondent's latest address on file with the Department of
Regulation and Licensing is 4470 South Harland Drive, New Berlin, WI 53151.

3. At all times relevant to this action Respondent was employed as a
registered nurse at Lakeview Osteopathic Hospital, Wauwatosa, Wisconsin.

4. During 1993, Respondent removed at least 12 syringes from her place of employment and gave them to an acquaintance for his use in injecting steroids.

5. During 1993, Respondent also received at least 10 bottles of the prescription drug, Lodine (etodolac) from a physician at her place of employment, who took the bottles from a "samples" medication cabinet, for her own use, and for the use of her acquaintance.

6. The conduct of Respondent resulted in her conviction in the Waukesha County Circuit Court on April 3, 1995, of two misdemeanors: possession of a prescription drug without a prescription, and delivery of drug paraphernalia.

CONCLUSIONS OF LAW

By the conduct described above, Cheryl M. Abraham is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.574(1), 450.11(7)(h), 441.07(1)(b), (c), and (d),, and Wis. Adm. Code sec. N 7.04(1), (2) and (5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of the Respondent, Cheryl M. Abraham, shall be SUSPENDED for an INDEFINITE PERIOD of time.

(A) STAY OF SUSPENSION

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

ii. If the Board denies a petition by Respondent 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.

iii. Upon a showing by Respondent of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (B) below, the Board shall grant a petition by Respondent for return of full licensure.

(B) CONDITIONS OF STAY

1. Respondent shall, within two (2) months of the date of this Order submit to the Board designee an outline for approval of a course in nursing ethics, which shall cover the ethical and legal considerations in the control and handling of medications and medical devices. The outline shall contain the name of the institution offering the instruction, the name of the instructor, and the course content. Respondent shall, within six (6) months from the date of this Order certify to the Board of Nursing the successful completion of the required training.

2. Respondent shall remain free of prescription drugs not prescribed for valid medical purposes during the period of limitation.

3. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. Respondent shall also arrange for quarterly reports from her probation officer disclosing her compliance with the terms of her probation. All reports shall be submitted to the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935. The monitor may also be reached by telephone: (608) 267-7139, and FAX: (608) 266-2264.

4. Respondent shall provide any current or prospective nursing employer with a copy of this Order upon its issuance and upon any change in employment during the term of the Order. Respondent shall provide her employer with a copy of any subsequent Order of the Board.

5. Respondent shall report to the Board any change in employment status, change of address, or telephone number, within five (5) days of such change.

6. Respondent shall be responsible for compliance with all of the terms and conditions of this Order. It is the responsibility of the Respondent to notify the Department Monitor of any suspected violation of the Order.

7. Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of such a petition shall not constitute a denial of license and shall not give rise to a contested case within the meaning of Wis. Stats. sec. 227.01(3) and 227.42.

(C) SUMMARY SUSPENSION

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 Respondent'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 or other additional discipline.

(D) EFFECTIVE DATE

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: *Pamela A. Meyer*
A Member of the Board

Date 1/12/96

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
CHERYL M. ABRAHAM, R.N.,	:	93 NUR 233
RESPONDENT	:	

It is hereby stipulated between Cheryl M. Abraham, personally on her own behalf and her attorney, Patrick Cavanaugh Brennan, and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered in resolution of the pending proceedings concerning Respondent's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

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

3. Respondent is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

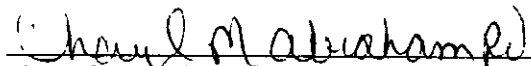
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any 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.

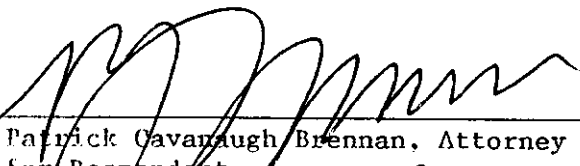
6. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order.

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.

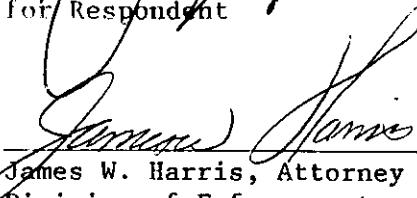
8. The Division of Enforcement joins Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.


Cheryl M. Abraham, R.N.

122795
Date


Patrick Cavanaugh Brennan, Attorney
for Respondent

12-29-95
Date


James W. Harris, Attorney
Division of Enforcement

January 2, 1996
Date

jh

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:

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 16, 1996

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.)