

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST:

SANDRA MARIE MCNAMARA, R.N.,	FINAL DECISION AND ORDER
RESPONDENT	LS01010410NUR

00 NUR 094

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

Sandra Marie McNamara
3507 Cty Hwy J
Chippewa Falls, WI 54729

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. Sandra Marie McNamara (dob: 05/28/61) is and was at all times relevant to the facts set forth herein a registered nurse licensed in the State of Wisconsin pursuant to license # 87626. This license was first granted May 15, 1984.
2. At all times relevant to this action Respondent was employed as a registered nurse at the Wisconsin Veterans Home, King, Wisconsin.
3. For several years Respondent has suffered from recurrent major depression with anxiety disorder. On August 10, 2000, her physician rendered the opinion that in her current state, Respondent is not capable of safely and reliably performing the functions of a professional nurse. Respondent is currently participating in treatment for her

condition at Luther Midelfort Clinic and her physician has stated that at some point in treatment Respondent will be ready to return to professional practice.

4. Respondent is not currently engaged in nursing practice.

CONCLUSIONS OF LAW

5. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to §441.07(1)(c) and (d) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

6. As a result of the condition described in paragraph 3, Respondent's ability to safely and reliably perform her duties as a nurse is currently impaired. As such, pursuant to Wis. Stat. sec. 447.07(1), and in accordance with the rules promulgated under sec. 440.03(1), the Board has the authority to revoke, limit, suspend or deny renewal, of Respondent's license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that effective on the date of this Order, the license of Sandra Marie McNamara to practice as a registered nurse in the state of Wisconsin is SUSPENDED for an INDEFINITE period .

Respondent may apply at any time to the Board for a stay of suspension for a period of three months, conditioned upon compliance with the conditions and limitations outlined below. In conjunction with her initial application for a stay of suspension Respondent must provide proof satisfactory to the Board that she can safely and reliably perform the functions of a registered nurse. Respondent must also provide reports from her therapist demonstrating continuous successful participation in a program for the treatment of her condition.

a. 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 on the respondent for rehabilitation and practice during the prior three (3) month period.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.

c. Upon a showing by respondent of continuous, successful compliance for a period of at least five years of active practice with the terms of this order and compliance with all other terms of this Order, the Board may grant a petition by the Respondent for return of full licensure. (See ¶ 6, below.)

IT IS FURTHER ORDERED, that the license to practice of respondent shall be LIMITED as follows:

REHABILITATION, MONITORING AND TREATMENT

Treatment Required

1. Respondent shall continue successful participation in all components of a treatment program at a treatment facility acceptable to the Board as respondent's Supervising Health Care Provider shall determine to be appropriate for respondent's condition. Dr. William Weggel and Luther Midelfort Clinic are acceptable Supervising Health Care Providers.

Therapy. The rehabilitation program shall include and respondent shall participate in individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than twice monthly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under §§ 227.01(3) or 227.42, Wis. Stats., or ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or

appeal.

Department Monitor

2. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor

Department of Regulation Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 261-7938

Releases

3. Respondent shall provide and keep on file with the Supervising Health Care Provider and all treatment facilities and personnel current releases which comply with state and federal laws authorizing release of all medical and treatment records and reports to, and permitting the Supervising Health Care Provider and all treating physicians and therapists to disclose and discuss the progress of respondent's treatment and rehabilitation with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board. Copies of these releases shall be filed simultaneously with the Department Monitor.

4. The Supervising Health Care Provider shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in treatment.

Required reporting by Respondent

5. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order.

PETITIONS FOR MODIFICATION OF TERMS

6. Respondent may petition the Board for modification of the terms of this limited license . Any such petition shall be accompanied by a written recommendation from respondent's Supervising Health Care Provider expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the limited license.

After five years of continuous active professional practice under this Order and upon recommendation of the Supervising Health Care Provider , respondent may petition the Board for a termination of all limitations on the license, and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for termination of the limitations and restoration of unlimited licensure.

EXPENSES OF TREATMENT AND MONITORING

7. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, treatment, supervision and any other expenses associated with compliance with the terms of this Order.

PRACTICE LIMITATIONS

8. Respondent shall practice only under the general supervision of a licensed professional nurse or other licensed health care professional approved by the Board or in a work setting pre-approved by the Board or its designated agent.

Reporting Required

9. Respondent shall arrange for her nursing employer to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance.

Change in Address or Work Status

10. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

11. Respondent shall furnish a copy of this Order to all present nursing employers immediately upon issuance of this Order, and to any prospective employer when respondent applies for employment as a health care provider.

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 a stay of suspension of the license or impose additional conditions and limitations or other discipline.

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

WISCONSIN BOARD OF NURSING

By: Ann Brewer

1-4-01

Board Chair

Date