

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST:

JILL A. WETZLER, R.N.,
RESPONDENT

FINAL DECISION AND ORDER
LS0105301NUR

97 NUR 065

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

Jill A. Wetzler
3217 South Ridge Crest Court
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. Jill A. Wetzler (dob: 04/27/49) 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 # 68668 . This license was first granted September 16, 1977.
2. Respondent has suffered from depression, fibromyalgia, migraine headaches, and residual neck, back and leg pain. Respondent's condition has required the long term use of prescribed controlled substances for pain management.
3. On at least one occasion during the period January, 1995, through April, 1996, Respondent altered a prescription order for Vicodin® issued to her by Dr. Sanford Larson, M.D., by changing the strength of the medication by adding "ES", and changing the total amount of medication by adding the term "refill x 1".

4. The resulting prescription referenced in paragraph 3 was consistent with prior prescriptions received by Respondent from Dr. Larson. The conduct referenced in paragraph 3 did not occur within the course and scope of Respondent's nursing employment, but solely as a patient during her care with Dr. Larson.

5. At the request of the Division Respondent voluntarily submitted to an evaluation. The evaluation was conducted by Dr. Basil Jackson, M.D., and resulted in a report received by the Division April 24, 2000, which contained the following conclusions of the evaluator:

"There is no evidence that she ever abused any of the antidepressants, anti-anxiety, or hypnotic medications."

"There is also no evidence, from a purely psychiatric point of view, that Ms. Wetzler is addicted or has been addicted to any drug, narcotic or otherwise."

"...these physical difficulties were the precipitating cause of her anxiety and depression. It is also my opinion that pharmacological control for her pain and other symptoms will be necessary in the future unless her physical difficulties can be ameliorated by more intensive therapy."

CONCLUSIONS OF LAW

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

7. The conduct described in paragraph 3, above, violated § N 7.04(2) and (15) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that the license of Jill A. Wetzler to practice as a registered nurse in the state of Wisconsin is LIMITED for a period of one year from the date of this Order, as follows:

REHABILITATION, MONITORING AND TREATMENT

Treatment Required

1. Respondent shall continue successful participation in a treatment program for her medical condition her supervising pain management physician shall determine to be appropriate for respondent's rehabilitation. Such treatment shall include a pain management program.
2. Respondent shall enter into an agreement with her supervising pain management physician, and shall comply with the following standards:
 - a. there shall be a single supervising prescriber for controlled substances,
 - b. Respondent shall take medications only as prescribed,
 - c. Respondent shall cease use of medications when directed,
 - d. Respondent shall divulge the names of all health care providers and shall permit the providers to communicate with each other,
 - e. there shall be no early prescription renewals without documented medical reason,
 - f. there shall be no night/weekend renewals without documented medical reason,
 - g. Respondent shall give due consideration to recommended pain management alternatives.

Department Monitor

5. 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) 267-3817

Releases

6. Respondent shall provide upon request, and keep on file with all physicians prescribing controlled substances current releases which comply with state and federal laws authorizing release of all medical and treatment records and reports to, and permitting all such prescribing physicians 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.

Required Reporting by Supervising Pain Management Physician

7. The supervising pain management physician shall submit 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 and shall list all medications currently prescribed. The supervising pain management physician shall report immediately to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-3817] any violation or suspected violation of the Board's Final Decision and Order.

Required reporting by Respondent

8. 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

9. 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 one year of continuous active professional practice under this Order without violation of the terms thereof, all limitations shall be terminated and an unlimited license shall be restored.

Expenses of Treatment and Monitoring

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

Change in Address or Work Status

11. 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.

12. Respondent shall furnish a copy of this Order to all present 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

9-6-01

Board Chair

Date