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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF

THE DISCIPLINARY PROCEEDINGS AGAINST

RUSSELL S. EATON, III, R.N.

ORDER DENYING STAY

Respondent

On January 30, 1998, the Board of Nursing issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice as a registered nurse in Wisconsin was ordered suspended for not less than two years. It was further ordered that the suspension be stayed for a period of three months, with provision for successive three month stays of the suspension conditioned upon compliance with conditions and limitations set forth in the board's Order during the preceding three month period.

On May 8, 1998, the board considered evidence of non-compliance by Mr. Eaton during the preceding three month period. During that time, Mr. Eaton was reported to have had two positive urine screens, one for Propoxyphene and the other for cocaine and Propoxyphene. According to Mr. Eaton's therapist, Mr. Eaton admitted to the use of cocaine and Percocet during that period. Mr. Eaton also failed to submit to ordered urine screens on at least two occasions and canceled a therapy visit without explanation. accordingly, by its order dated may 15, 1998, the board suspended the license.

By letter dated September 1, 1998, Mr. Eaton outlined his current recovery program, and he appeared before the board on September 18, 1998, in support of his request that the board reinstate the stay of the suspension of his license. The board considered the matter on that date, and granted the stay by its Order dated September 28, 1998.

On January 29, 1999, the board considered Mr. Eaton's request for a further stay of the suspension of his license. It was reported to the board that, because Mr. Eaton had failed despite his best efforts to become employed as a nurse in the period since the suspension of his license was stayed, he had been unable to comply with the requirements for urine screens and therapy. By its Order dated February 7, 1999, the board stayed the suspension for a further period of three months, ordered that failure to immediately come into compliance with the board order upon commencing employment as a nurse would result in suspension of the license, and ordered that no credit toward the two year period of suspension set forth in the board's Final Decision and order in this matter dated January 30, 1998, would be granted until Mr. Eaton comes into full compliance with the terms and conditions of his limited license

On January 6, 2000, the board considered information that Mr. Eaton had failed to notify the board of his change in employment status within five days as required by the board's Order, and did not finally notify the board until the Department Monitor made inquiry. Accordingly, the stay was lifted and the suspension of his license imposed.

On March 1, 2001, Mr. Eaton was scheduled to appear before the board in support of his petition for reinstatement of the stay of the suspension of his license. He failed to appear, and the board therefore orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the request for a stay of the suspension of the license of Russell Eaton III, R.N., is hereby denied. Mr. Eaton may further petition for a stay of the suspension upon submission of evidence of full compliance with the terms of the board's January 30, 1998, Final Decision and Order for a period of three months.

Dated this 8th day of March, 2001.

STATE OF WISCONSIN
BOARD OF NURSING

Ann Brewer, RN

Chair