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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST

BRENDA L. KLABACKA, L.P.N.,

ORDER DENYING STAY

Respondent

On January 9, 1997, 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 licensed practical nurse was suspended for an indefinite period of not less than two years, with provision for successive three-month stays of the suspension conditioned upon compliance with certain conditions and limitations on the license. Among these were that respondent participate in a recognized drug treatment program, that she participate in therapy as recommended by her therapist but not fewer than two sessions per month, that she submit to random urine screens for the presence of alcohol and controlled substances a minimum of four times per month, and that she provide for quarterly written reports from her employer, her therapist and the monitoring program. The Order also provides that respondent refrain from access to or administration of controlled substances in her work setting until such time as access and administration is approved by the board.

By letter dated July 30, 1997, Mark A. Huffman, M.D. Medical Review Officer for Totally Positive Drug Testing Review, S.C., Ms. Klabacka's drug testing facility, reported that on July 22, 1997, Ms. Klabacka tested positive for Propoxyphene and Butabital. The letter also indicated that Ms. Klabacka had failed to notify the program either of the identity of her treating physician or that she was taking Propoxyphene. Sarah Groth, CICSW, CADC III, Ms. Klabacka's therapist, notified the board by letter dated July 31, 1997, that Ms. Klabacka had missed therapy sessions on August 6, August 20, and September 3.

Based on these failures by respondent to comply with the requirements of her limited license, the board on September 12, 1997, denied Ms. Klabacka further stays of the suspension of her license.

By letter dated October 28, 1999, Ms. Klabacka petitioned the board for a further stay of the suspension of her license, and she appeared before the board on January 6, 2000, in support of her petition. The board granted the request by its Order dated January 18, 2000.

On May 19, 2000, the board considered Ms. Klabacka's request for a further three month stay of the suspension of her license. The board also considered evidence of Ms. Klabacka's having violated the terms of her limited license, and the stay was denied by the board's Order dated June 6, 2000.

On September 1, 2000, Ms. Klabacka, along with Attorney Kenneth R. Sipsma, appeared before the board in support of her request that the stay of the suspension of her license be reinstated. Ms. Klabacka also requested that the board's most recent Final Decision and Order in the matter dated May 14, 1999, be modified to permit her access to and administration of controlled substances in her employment setting. The board considered the matter on that date, and granted Ms. Klabacka's requests by its Order dated September 8, 2000.

On February 2, 2001, the board considered Ms. Klabacka's request for a further three month stay of the suspension her license. The board also considered information establishing that Ms. Klabacka has been in violation of the limitations on her license, including that Ms. Klabacka had never presented a copy of the board's Order to either her employer or her therapist, and that there have been several positive urine screens. Based upon that information, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the request for a further three month stay of the suspension of the license of Brenda L. Klabacka, R.N., to practice as a professional nurse in Wisconsin is hereby denied. Ms. Klabacka may apply for a further stay of the suspension upon satisfactory demonstration that she has fully complied with the board's order for the preceding six months.

Dated this 6th day of February, 2001.

STATE OF WISCONSIN

BOARD OF NURSING

Ann Brewer, RN

Chair