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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JANET E. BURNS, RN,
RESPONDENT. :

: LS0403042NUR
:
:

FINAL DECISION AND ORDER

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

Janet E. Burns, RN
10833 S. Maplewood
Chicago, IL 60655

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 of Nursing. 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. Janet E. Burns, RN, Respondent, date of birth January 8, 1957, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 142704, which was first granted September 25, 2002. Respondent was granted a temporary permit to practice as a registered nurse on September 20, 2002 and practiced on that permit until her permanent license was granted.

2. Respondent's last address reported to the Department of Regulation and Licensing is 10833 S. Maplewood, Chicago, IL 60655.

3. Prior to becoming licensed in Wisconsin, Respondent was licensed as a registered nurse in Illinois and practiced in that State.

COUNT I

4. Respondent received chemical dependency treatment in 1990 and 2000.

5. From July 25 to 27, 2002, Respondent was hospitalized at Ingalls Hospital in Harvey, Illinois for alcohol abuse. The admission was voluntary, but resulted from concern that she was a danger to herself and others. During the hospitalization, Respondent reported:

a. She had been sober of alcohol for 18 months prior to using alcohol over the past six months.

- b. She had periods of blackouts while drinking.
- c. From September 2001 to May 2002, she abused injectable morphine, which she diverted from her employment.
- d. In May 2002, as a result of her use of alcohol and diversion of controlled substances, she was terminated from her employment at St. Francis Hospital & Medical Center in Blue Island, Illinois.

6. Respondent continued in outpatient treatment for chemical abuse in Illinois through August 2002.

7. On August 19, 2002, Respondent applied to the Wisconsin Board of Nursing for a license as a registered nurse by endorsement.

a. Question 14 on the application asked: Do you have a medical condition [defined by the application to include drug addiction and alcoholism] which in any way impairs or limits your ability to practice nursing with reasonable skill and safety? Although a few months earlier Respondent had lost a job because of her alcoholism and illicit drug use, she falsely answered “no” to that question.

b. Question 15 on the application asked: “Does your use of chemical substance(s) [defined by the application to include alcohol, drugs and medication] in any way impair or limit your ability to practice nursing with reasonable skill and safety?” Although a few months earlier Respondent had lost a job because of her alcoholism and illicit drug use, she falsely answered “no” to that question.

8. The Board relied upon Respondent’s answers to questions 14 and 15 in granting Respondent a license as a registered nurse in Wisconsin. By answering “no” to questions 14 and 15 on the application, Respondent procured her license by fraud.

COUNT II

9. Respondent was employed as a traveling nurse at the University of Wisconsin Hospitals and Clinics (Hospital), in Madison, Wisconsin from September 23, 2002 through October 29, 2002.

10. On October 29, 2002, a patient reported that she had not received the oxycodone tablet she was scheduled to receive at 10 p.m. the previous night. Respondent had recorded that she had given the oxycodone to the patient. Oxycodone is a schedule II controlled substance.

11. The report resulted in the Hospital conducting a review of medication records of Respondent’s administration and dispensing of controlled substances from the AcuDose cabinet and AcuScan system. The review revealed:

- a. Respondent documented giving many medications four to eight hours late.
- b. Respondent noted that the late administrations were due to no intravenous access being available. However, the medications were oral medications that did not require intravenous access.
- c. Several doses of narcotics Respondent took from the cabinet were not recorded as having been administered.
- d. Some doses of intravenous narcotics taken from the cabinet were higher than ordered for the patient, but Respondent failed to record any waste of the balance.

12. Later on October 29, 2002, the Director of Nursing and UW Police met with Respondent and asked for an explanation of the discrepancies regarding the controlled substances. Respondent denied diverting controlled substances and offered an explanation. When Respondent was told that her explanation was not credible, Respondent decided not to say anything else. As Respondent left, she was advised that the Hospital was terminating her contract immediately.

13. From November 20 to 27, 2002, Respondent was again hospitalized at Ingalls Hospital as a result of her relapse into substance and alcohol abuse. The admission was voluntary, but resulted from concern that she was a danger to herself and others.

- a. Prior to admission, Respondent had been consuming alcohol despite being on Antabuse, a drug which produces sensitivity to alcohol which results in a highly unpleasant reaction when the patient under treatment ingests even small amounts of alcohol.
- b. Prior to admission, Respondent had been jailed for 3 days for allegedly assaulting her daughter.
 - a. Respondent was having periods of blackouts while drinking.
- c. During the hospitalization, Respondent exhibited symptoms of alcohol withdrawal and was detoxified.

14. Respondent has admitted to the Division of Enforcement that she diverted oxycodone tablets from the Hospital in October 2002 for her personal use.

CONCLUSIONS OF LAW

- 1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.
- 2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.
- 3. Respondent, by knowingly making a false statement on her August 19, 2002 application for a registered nurse license as set out in Count I, has committed fraud in procuring her license as a registered nurse in Wisconsin and is subject to discipline pursuant to § 441.07(1)(a), Stats.
- 4. Respondent, by engaging in the conduct set out in Count II has violated laws substantially related to practice under her license, and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats.
- 5. Respondent, by engaging in the conduct set out in Count II, has administered, supplied and obtained drugs other than in the course of legitimate practice and as otherwise prohibited by law, and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(2), which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats.
- 6. Respondent, by engaging in the conduct set out in Count II, has abused drugs to an extent that such use impairs the ability of the licensee to safely or reliably practice, as defined by Wis. Adm. Code § N 7.03(2), which subjects Respondent to discipline pursuant to § 441.07(1)(c), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by Janet E. Burns, RN, of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED, effective immediately.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 3rd day of March, 2004.

Jacqueline A. Johnsrud, R.N.

