

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARJORIE A. HINDS, R.N.,	:	LS0404222NUR
RESPONDENT.	:	

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

Marjorie A Hinds, R.N.
1627A Alabama Ave.
Sheboygan, WI 53081

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. Marjorie A. Hinds (D.O.B. 5/17/51) is duly licensed as a registered nurse in the state of Wisconsin (license number 142620). This license was first granted on December 13, 2002.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 1627A Alabama Avenue, Sheboygan, WI 53081.
3. Ms. Hinds was convicted of operating a motor vehicle while intoxicated in 1990, 1995 and again in 1998.
4. Ms. Hinds entered treatment for alcohol dependence in May, 1999, after receiving her third OWI.
5. In September, 2001, Ms. Hinds went to class at the technical college where she was pursuing her nursing degree while under the influence of alcohol on her breath.
6. On October 1, 2001, Ms. Hinds reported to her therapist that she had relapsed and had been drinking two to three beers a day for about three weeks.
7. Ms. Hinds, who at the time worked as a certified nursing assistant, came to work intoxicated on March 16, 2001. She admitted to drinking and received a one day suspension.
8. Ms. Hinds graduated in May of 2002, and applied for licensure as a Wisconsin registered nurse. Because of her history of alcohol abuse, she was offered an opportunity to participate in the Impaired Professionals Procedure ("IPP"). Ms. Hinds applied for IPP on August 5, 2002, and signed her IPP participation agreement on August 31, 2002. Among other requirements for IPP, Ms. Hinds agreed to treatment for alcohol dependence, and to random urine screens to monitor for use of alcohol or other substances.

9. On August 30, 2002, Ms. Hinds came to work with alcohol on her breath. She refused a breathalyzer and received a three day suspension from work.
10. On January 21, 2003, Ms. Hinds again showed up for work intoxicated. A breathalyzer registered a .09. Ms. Hinds was suspended for one month and strict conditions on her continued employment were set, including random breathalyzer tests, treatment, and absolute sobriety.
11. On February 12, 2003, Ms. Hinds submitted a diluted urine specimen. According to her IPP agreement, specimens are considered positive.
12. On June 11, 2003, Ms. Hinds had a positive urine screen for morphine/opiates. She denied using morphine/cocaine. The IPP program allowed her to continue, stating that the positive screen appeared to be an anomaly.
13. On June 26, 2003, Ms. Hinds missed a required urine test.
14. On November 11, 2003, Ms. Hinds once again reported for work intoxicated. A breathalyzer test indicated an alcohol level of .122.
15. On December 15, 2003, a letter was sent to Ms. Hinds dismissing her from IPP based on substantial violation of the "Agreement for Participation."
16. On February 19, 2004, although Ms. Hinds had been dismissed from IPP almost two months earlier, IPP received a letter from Ms. Hinds stating that she was going to be in Hawaii for two weeks of U.S. Naval Reserves training from February 2004 to February 15, 2004, and that she would resume drug testing upon her return.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to §441.07(1)(c), Wis. Stats. authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
2. The conduct described above demonstrates that Respondent is unfit to practice by reason of abuse of authority pursuant to §441.07(1)(c), Wis. Stats., and Wis. Adm. Code § N 7.03(2).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.
2. The Board of Nursing accepts the surrender of the license of Marjorie A. Hinds, RN, (license #142620), to practice as a registered nurse in the State of Wisconsin.
3. Ms. Hinds may reapply for Wisconsin licensure as a registered nurse at any time, but no license will be granted until Ms. Hinds demonstrates, to the Board's satisfaction, that she has maintained abstinence from alcohol and other recreational drugs for at least a two year period. In the event that Ms. Hinds re-applies for Wisconsin licensure as a registered nurse in the future, the Board in its sole discretion may enter an order denying such application, or granting Respondent a limited license, with any conditions it determines to be advisable, without further notice or hearing.
4. Respondent shall, within 90 days of the date of this Order, pay the costs of this proceeding in the amount of \$500 to the Department of Regulation and Licensing, pursuant to § 440.22(2), Stats. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement

1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

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

Dated at Madison, Wisconsin this 22nd day of April, 2004.

STATE OF WISCONSIN BOARD OF NURSING

Jacqueline Johnsrud
Member of the Board of Nursing

4-22-04
Date