

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE APPLICATION FOR	:	
LICENSURE AS A REGISTERED NURSE OF	:	
	:	FINAL DECISION AND ORDER
ELIZABETH N. HADLICH	:	LS0404228NUR
Applicant	:	

The parties to this action for purposes of 227.51, Wis. Stats.

Elizabeth N. Hadlich
P.O. Box 1302
Cumberland, WI 54829

Wisconsin Board of Nursing
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. Elizabeth N. Hadlich (DOB 08-23-57) submitted an application for a license as a registered nurse (RN) in the State of Wisconsin in February 2004. Hadlich currently has a conditional RN license in the State of Minnesota and in under a Minnesota Board order.
2. On or about June 1, 2000, while employed as a RN at Fairview University Medical Center (Fairview) in Minneapolis, Minnesota, Hadlich self-reported her chemical dependency to the Health Services Professionals Program (HPSP). Hadlich indicated that she had received multiple treatments for alcohol dependency over the years, most recently in 1991. Hadlich reported that she had eight years of sobriety and had been active in the Alcoholics Anonymous Program (AA) until approximately 1998.
3. In December of 1999, Hadlich began diverting wasted narcotics, including morphine and Demerol, from her employer for her personal use. Hadlich indicated that her diversion and use escalated and by May 19, 2000, she suffered a seizure after injecting 200 mg. of Demerol while at home.
4. Hadlich was evaluated by her employer and began an outpatient chemical dependency program on May 22, 2000, at United Hospital in St. Paul, Minnesota. Hadlich was diagnosed as opiate dependent. On May 24, 2000, Hadlich agreed that upon her return to work at Fairview, she would have no access to controlled substances and she would participate in HPSP.
5. On June 28, 2000, approximately one month after beginning her participation in the HPAP, Hadlich tested positive for opiates. Hadlich also failed to attend group therapy on July 5, 2000. The HPSP reported Hadlich's relapse and she was suspended from work by her employer. An employer audit of the Pysix system for the period of July 3-10, 2000, revealed that Hadlich had diverted twenty-four (24) narcotic medications, including Demerol and morphine, at her workplace. The patients that Hadlich charged for the narcotics either had no physician's order for the medication or had orders for a different dosage of a different narcotic.
6. On July 11, 2000, Hadlich's case manager at HPSP was informed that Hadlich had been admitted to Memorial Hospital in Cumberland, Wisconsin, for acute alcohol intoxication, having relapsed with alcohol and opiates following her suspension from Fairview.
7. On July 12, 2000, the HPSP notified Hadlich that she was discharged from their program and that her case was referred to Minnesota Board of Nursing as of July 12, 2000.
8. On July 15, 2000, Hadlich was transferred from Memorial Hospital in Cumberland, Wisconsin, to Hazelden, Center City, Minnesota, for inpatient chemical dependency treatment. Upon her discharge from Hazelden, Hadlich attend a Hazelden aftercare program.

9. Criminal charges were brought against Hadlich in Minnesota for her diversion of narcotics from Fairview. These charges were reduced to a fifth degree possession charge based upon her agreement to enter a criminal diversion program.

10. On June 6, 2001, Hadlich entered into a Stipulation and Consent Order with the Minnesota Board of Nursing. This order suspended Hadlich's nursing license for 12 months, with the provision that she could petition for removal of the suspension upon successful compliance with her court ordered diversion program, participation in a chemical dependency rehabilitation program and proof that she was sober and free from mood-altering chemicals during the 12 months immediately preceding the petition.

11. On June 12, 2003, Hadlich underwent a chemical dependency assessment and mental health evaluation at Hazelden, which found that her opiate and alcohol dependence was in remission and that she appeared ready to return to full time employment, in a work setting where mood-altering chemicals would not be readily available.

12. On December 4, 2003, Hadlich's license was reinstated by the Minnesota Board of Nursing on a conditional status, contingent upon her successful participation in HPSP.

13. Ms. Hadlich re-enrolled in HPSP on December 22, 2003 and has remained compliant with all required documentation, as confirmed in a letter from the HPSP dated February 10, 2004. The letter stated that Hadlich is being monitored for substance abuse through random urine screens, work quality and attendance at AA/NA, and is expected to meet with her therapist who provides quarterly reports.

14. Hadlich is not currently working as a nurse and has not practiced as such since her termination from Fairview, however, she has an offer for a nursing position from the hospital in Cumberland, Wisconsin, and is highly motivated to return to work.

CONCLUSIONS OF LAW

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

B. The conduct described in paragraphs 2 through 6, above, violated § N 7.03(2) and N 7.04(1), (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 effective on the date of this Order, Elizabeth N. Hadlich, shall be granted a LIMITED license to practice as a registered nurse in the state of Wisconsin.

IT IS FURTHER ORDERED that effective on the date of this Order, the limited license granted to Elizabeth N. Hadlich to practice as a registered nurse in the state of Wisconsin shall be SUSPENDED, however, Hadlich may petition the Board for a renewable three month stay of suspension upon compliance with the conditions and limitations outlined below.

IT IS FURTHER ORDERED that Hadlich shall be granted her first three month stay of suspension effective upon the date of the signing of this order based upon her showing of prior compliance under the Minnesota Board order.

REHABILITATION, MONITORING AND TREATMENT

Treatment Required

1. Applicant shall enroll and continue successful participation in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board, as applicant's Supervising Health Care Provider shall determine to be appropriate for applicant's rehabilitation. Applicant shall commence involvement in the drug and alcohol rehabilitation program within five **(5) days** of the date of the Final Decision and Order of the Board.

Therapy. The rehabilitation program shall include and applicant shall participate in individual and/or group therapy sessions for the first year of the limited license upon a schedule as recommended by the supervising physician or therapist, but not less than twice **(2x) per week**. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under §§ 227.01(3) or 227.42, Wis. Stats., or ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

AA/NA Meetings. Applicant shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the supervising physician or therapist, but not less than one **(1) meeting per week**. Attendance of applicant at such meetings shall be verified and reported monthly to the supervising physician or therapist.

Sobriety

2. Applicant shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Provider.
3. Applicant shall abstain from all personal use of alcohol.
4. Applicant shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, or which may create false positive screening results, or which may interfere with applicant's treatment and rehabilitation. Applicant shall report all medications and drugs, over-the-counter or prescription, taken by applicant to the Supervising Health Care Provider within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Within 24 hours of a request by the Supervising Health Care Provider or the Board or its designee, applicant shall provide releases which comply with state and federal laws authorizing release of all health care records by the person who prescribed, dispensed, administered or ordered this medication for applicant. These releases shall also authorize the Supervising Health Care Provider, the Board or its designee to discuss the applicant's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate applicant's obligations as set forth in this Order.

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
department.monitor@drl.state.wi.us

Releases

6. Applicant shall provide and keep on file with the Supervising Health Care Provider, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all urine, blood and hair specimen screen results and medical and treatment records and reports to, and permitting the Supervising Health Care Provider and all treating physicians and therapists to disclose and discuss the progress of Applicant'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.

Drug and Alcohol Screens

7. Within thirty (30) days from the date of the signing of this Order, the applicant shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the department pursuant to Wis. Adm. Code § RL 7.11, ("Approved Program").
 - a. The Department Monitor, Board or Board designee shall provide applicant with a list of approved programs, however, applicant is solely responsible for timely enrollment in any such approved program.
 - b. Unless otherwise ordered by the Board, the approved program shall require the testing of urine specimens at a frequency of not less than **56 times per year**.
 - c. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the urine specimens.
 - d. Applicant shall comply with all requirements for participation in drug and alcohol monitoring established by the approved program, including but not limited to;
 - (i.) contact with the approved program as directed on a daily basis, including weekends and holidays, and;
 - (ii.) production of a urine specimen at a designated collection site within five(5) hours of notification of a test.
 - e. The Board in its discretion without a hearing and without further notice to applicant may modify this Order to require the submission of hair or breath specimens or that any urine or hair specimen be furnished in a directly witnessed manner.
 - f. All expenses of enrollment and participation in the approved program shall be borne by applicant who shall keep any account for such payments current in all respects.
 - g. For purposes of further Board action under this Order it is rebuttably presumed that all confirmed positive test results are valid. Applicant has the burden of proof to establish by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody which causes an invalid confirmed positive test result.
8. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, the applicant shall promptly submit to additional tests or examinations as the Supervising Health Care Provider shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

Required Reporting by Supervising Health Care Provider, and laboratories

9. The Supervising Health Care Provider shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, by FAX or telephonic communication: **any failure to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate the applicant to request a specimen.** The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the Department Monitor, and to the Supervising Health Care Provider.
10. The laboratory shall within **48 hours** of completion of each drug or alcohol analysis mail the report from **all** specimens requested of applicant under this Order to the Department Monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.
11. The Supervising Health Care Provider shall submit formal written reports to the Department Monitor, **Madison, Wisconsin 53708-8935** on a quarterly basis, as directed by the Department Monitor. These reports shall assess the applicant's progress in the drug and alcohol treatment program and summarize the results of the urine, blood or hair specimen analyses. The Supervising Health Care Provider 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)261-3817, e-mail department.monitor@drl.state.wi.us**] any violation or suspected violation of the Board's Final Decision and Order.

Required reporting by Applicant

12. Applicant is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Applicant to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the Supervising Health Care Provider, treatment facility, laboratory or collection sites to conform to the terms and conditions of this Order.

Facility approval

13. If the Board determines that the Supervising Health Care Provider, treatment facility, laboratory or collection sites have failed to satisfy the terms and conditions of this Final Decision and Order, the Board may, at its sole discretion, direct that Applicant continue treatment and rehabilitation under the direction of another Supervising Health Care Provider, treatment facility, laboratory or collection site which will conform to the terms and conditions of this Final Decision and Order.

PETITIONS FOR MODIFICATION OF TERMS

14. Applicant may petition the Board for modification of the terms of this limited license, provided that any such petition shall be accompanied by a written recommendation from applicant'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 the applicant 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 five (5) years of continuous active professional practice under this Order and without relapse, and upon recommendation of the Supervising Health Care Provider, the applicant may petition the Board for a termination of all limitations on the license, and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and 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 the applicant shall not have a right to any further hearings or proceedings on any denial, in whole or in part, of the petition for termination of the limitations and restoration of unlimited licensure.

EXPENSES OF TREATMENT AND MONITORING

15. Applicant 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.

PRACTICE LIMITATIONS

Controlled Substance Access

16. Applicant shall refrain from access to or the administration of controlled substances in her work setting until such time as access or administration is approved by the Board.
17. Applicant shall practice only under the general supervision of a licensed professional nurse or other licensed health care professional approved by the Board in a work setting pre-approved by the Board or its designated agent. Applicant shall not work in any agency or pool nursing, independent practice sites, or home health or hospice care nursing.

Reporting Required

18. Applicant shall arrange for her employer to provide formal 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 Applicant's work performance.

Change in Address or Work Status

19. Applicant 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.
20. Applicant shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when applicant applies for employment as a health care provider.

Violation of Order

- a. The Board may without hearing commence other appropriate action, upon receipt of information that Applicant has violated any of the terms or conditions of this Order. If the Board denies the petition by the Applicant for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.

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 Applicant'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. If the Board receives information from a professional who is treating the Applicant or from the work supervisor that indicates that the Applicant is not safe to practice, the Board may deny a stay or suspend the license of the licensee

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

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnsrud
On behalf of the Board

4-22-04
Date