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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
MARYALICE NELSON, RN	:	LS0501276NUR
RESPONDENT.	:	

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

Maryalice Nelson
904 Dovetree Ct.
Surgeon Bay, WI 54236

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

PROCEDURAL HISTORY

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. Maryalice [NMN] Nelson (dob: 4/9/54) is and was at all times relevant to the facts set forth herein a registered nurse licensed in the State of Wisconsin pursuant to license #108104. This license was first granted 9/5/91. Her address of record is 904 Dovetree Ct., Surgeon Bay, WI 54236.
2. On 3/4/94, Respondent was disciplined by the Board in file 93 Nur 217, for diverting meperidine from her employing hospital on at least 25 occasions; her license was suspended and the suspension was stayed to permit her to engage in treatment and be monitored for two years. Her unrestricted license was restored on 2/4/96.
3. In June, 2002, Respondent reported to the Board that she had relapsed to the use of unprescribed controlled substances, had diverted an oxycodone product from two patients, and that criminal charges were pending. She was permitted to enter the Board’s Impaired Professionals Procedure.
4. On 10/25/02, Respondent was convicted in the Circuit Court for Kewaunee County of possession of a controlled substance (2 counts) and theft (3 counts) all relating to controlled substances. Respondent had obtained access to two patients supplies of oxycodone products, and had taken these products from the patients’ supplies. Sentence was withheld and Respondent was placed on probation for three years, with conditions that she undergo AODA assessment and comply with any recommendations, and have no employment which provides access to opioids. She was ordered to pay costs, perform 80 hours of community service, and spend 30 days in the county jail during non-working hours. Her driving license was suspended for six months.
5. On 9/4/04, Respondent entered the private home of a former patient, without consent, and took and carried away a bottle of an oxycodone product, a Schedule II controlled substance, with intent to permanently deprive the owner of possession.
6. Respondent has been criminally charged in the Circuit Court for Door County as a result of the conduct described

in par. 5, above. Her probation was revoked on the 2002 case; she was sentenced to a total of 9 months in county jail on 10/19/04. As a result of her being incarcerated, she has been unable to comply with the conditions of the IPP, and has been discharged from the IPP.

7. Respondent has admitted that she diverted medications from several other employers who discovered her conduct, but permitted her to resign and did not report her to either law enforcement or the Board.

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 4 and 5, above, violated §441.07(1)(c) and (d), Wis. Stats., 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, the SURRENDER of the credential of Maryalice Nelson to practice as a professional nurse in the state of Wisconsin is ACCEPTED. Respondent shall not practice nursing in Wisconsin, including under the provisions of the Nurse Licensure Compact, without being licensed in Wisconsin.

IT IS FURTHER ORDERED: that Respondent shall pay costs of \$300.

WISCONSIN BOARD OF NURSING

Jacqueline Johnsrud
Board Chair

1-27-05
Date