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IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**

GRETCHEN M. MACHT, R.N., : LS0503105NUR
RESPONDENT. :

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

Gretchen M. Macht
4310 Esch Ln
Madison, Wi 53704

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. Gretchen M. Macht (dob: 12/4/50) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #112650. This license was first granted 3/24/93.

2. On 10/12/98, respondent was permitted to enter the Board's Impaired Professionals Procedure in file 98 Nur 160. Respondent diverted morphine, meperidine, and hydromorphone, including by substituting water for them in syringes being stored for use in patients by her employing hospital. Respondent was discharged from the IPP on 11/5/99, when the facts set forth in par.3, below, came to the Board's attention.

3. Respondent was disciplined on 3/3/00, by the Board in file 99 Nur 353, for diverting morphine and other controlled substances at her employing hospital, and self-administering them without prescription or other authority. On one occasion on 10/24/99, she withdrew morphine from an IV which was being administered to a patient, and substituted water for it. Her license was suspended indefinitely and she was permitted to apply for stays of suspension conditioned upon her engaging in treatment for substance abuse and submitting to monitoring. She subsequently did comply with the conditions of the Order, and a series of stays was granted until 9/21/04.

4. On 10/4/00, respondent was charged criminally with theft and possession of narcotic drugs, growing out of the diversion described in par.3, above. On 5/14/01, respondent pled no contest to feloniously possessing narcotic drugs without authorization, contrary to §961.41(3g)(a), Wis. Stats., and the misdemeanor theft charge was dismissed and “read-in” for purposes of sentencing. Sentence was withheld, and respondent was placed on probation for three years, on conditions that she spend 30 days in the county jail during non-working hours, and pay \$94 in court assessments. Her driving license was suspended for six months.

5. On 2/26/03, an allegation was made against Respondent by the son of a patient of the agency for which Respondent was working as a home health nurse. The allegation was that Respondent had obtained a refill of a hydrocodone product prescribed for the patient (who had a hip and thigh injury, and who had fallen on 2/15/03); Respondent removed some of the medication without authorization and removed part of the pharmacy's label so that the amount dispensed was no longer present. Respondent was confronted by the agency administrator, and denied the allegation. The agency did not report the allegation to the Department Monitor, and the Board first learned of the allegation from the Department of Health and Family Services on 3/11/04, during their investigation. The Board makes no findings about the allegation, as it is unnecessary to do so given Respondent's decision to surrender her license.

6. On 7/7/04, the Department Monitor was informed that respondent had tested positive for oxycodone, and that her urine tests revealed creatinine and specific gravity results below minimum standards on multiple (but not all) occasions. Respondent represents to the Board that the oxycodone is from a prescription issued by her physician in September, 2003, and that she routinely ingests one liter of water in the morning while exercising, as recommended by her oncologist as a "health habit." The Board finds that it is clearly inappropriate to self-administer such a medication as oxycodone some ten months after it was prescribed, and that this amounts to self-prescribing. The Board does not accept the explanation for the low specific gravity and creatinine results, because although respondent states that she ingests this quantity of water every day, not all results are low.

7. Respondent is not currently engaged in nursing practice.

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 paragraph 4, above, violated § N 7.04(1), Wis. Adm. Code. The conduct described in paragraph 6, above, violated § Nur 7.04(1) and (14), 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 license and any privilege of Gretchen M. Macht to practice as a professional nurse in the state of Wisconsin is ACCEPTED. Respondent shall not practice nursing in Wisconsin, including under the Nurse Licensure Compact, without a license from the Board.

IT IS FURTHER ORDERED: that respondent shall pay costs of \$800.

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

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnsrud
Board Chair

3-10-05
Date