

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MICHELE L. HILLMER, R. N.,	:	LS 0505131 NUR
RESPONDENT.	:	

[Division of Enforcement Case # 04 NUR 380]

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

Michele L. Hillmer, R.N.
N5517 17th Court
Montello, WI 53949

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal complaint was filed and the above-captioned matter is presently scheduled for hearing on September 2, 2005

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. Michele L. Hillmer, R.N., Respondent, date of birth January 11, 1971, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 147531, which was first granted August 26, 2004.

2. Respondent's last address reported to the Department of Regulation and Licensing is N5517 17th Court, Montello, WI 53949.

3. From August until December 2004, Respondent was employed as a registered nurse at Divine Savior Hospital ("Divine Savior") in Portage, Wisconsin.

4. In the usual course of her duties as a registered nurse at Divine Savior, Respondent had access to an Accudose machine, which contained a large supply of various medications to be dispensed to patients. To obtain medications from the Accudose machine, a nurse must enter a unique, personal identification code and password.

5. In October 2004, records from Divine Savior indicate that Respondent removed, nine Percocet pills, one Oxycodone pill, and seven Vicodin pills from the Accudose machine, but did not dispense them to any patients.

6. In November 2004, records from Divine Savior indicate that Respondent removed 23 Percocet pills, one Oxycodone pill, two Vicodin pills, and four Acetaminophen with Codeine pills, but did not dispense them to any patients.

7. Oxycodone and Percocet, which contains oxycodone, are Schedule II controlled substances, pursuant to Wis. Stat. § 961.16
8. Vicodin contains hydrocodone, a Schedule III controlled substance, pursuant to Wis. Stat. § 961.18.
9. Acetaminophen with codeine is a Schedule III controlled substance, pursuant to Wis. Stat. § 961.18.
10. On December 3, 2004, Respondent was interviewed by a detective of the Portage Police Department. Respondent admitted to diverting approximately 17 pills of medication in October 2004 and approximately 30 pills in November 2004 while working at Divine Savior. Respondent advised she had a neck injury from the 1990s and was using the pain medication she diverted in an attempt to manage her own pain.
11. On February 1, 2005, the following occurred:
 - a) Respondent was working in the Dane County Jail in Madison, Wisconsin, as a registered nurse employed by Prison Health Services, a company that contracts with Dane County Jail to provide health services for inmates.
 - b) Respondent removed three tablets of Oxycodone, a Schedule II controlled substance, that were to be administered to specific inmates and replaced the Oxycodone with hydrochlorothiazide tablets. Hydrochlorothiazide tablets are used to treat hypertension and their chalky, round appearance makes them look similar to Oxycodone.
12. On March 10, 2005, Respondent admitted to a detective of the Dane County Sheriff's Office that she had taken the Oxycodone and replaced them with the hydrochlorothiazide tablets.
13. Wis. Stat. § 961.41(3g) prohibits possession of Schedule II and Schedule III controlled substances unless obtained directly from or by prescription of a practitioner. Respondent never had any legitimate order or prescription from a practitioner for the controlled substances. Her possession of the controlled substances was in violation of this law substantially related to the practice of nursing and was the obtaining of a drug other than as allowed by law.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. Respondent, by engaging in the conduct set out above, has administered and obtained drugs other than in the course of legitimate practice and as otherwise prohibited by law, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(2), and which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Michele L. Hillmer, R.N., Respondent, of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED.
2. Respondent shall return to the Department her current RN registration card, as well as any and all other official indicia of licensure within her possession.
3. Should Respondent ever reapply for Wisconsin licensure, the Board may in its sole discretion determine whether and under what terms and conditions, this license may be reissued, including payment of the costs of this proceeding.
4. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Jacqueline Johnsrud, RN
A Member of the Board

September 8, 2005
Date

