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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
: **ACCEPTING SURRENDER**
: **OF CREDENTIALS**
LOIS J. BOYD, R.N., A.P.N.P., :
RESPONDENT. : LS-0302079-NU R

Division of Enforcement Case #02 NUR 43

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

Lois J. Boyd RN, APNP
3490 E. Van Beck Ave.
St. Francis, WI 53235

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. Lois J. Boyd f/k/a Lois Jackson (dob: 2/28/52) 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 #94643, first granted 8/22/86. On 11/8/99, respondent was further credentialed as an Advanced Practice Nurse Prescriber, #1531, and has been continuously so licensed since that date.

2. Respondent was previously disciplined in 87 NUR 66 (7/15/88), for diverting codeine and diazepam for personal unprescribed use from her employing hospital. At that time, the Board found that respondent had a chemical abuse and dependency history dating to 1977; her license was suspended and the suspension stayed with limitations to require treatment. Respondent complied with the Order and her license was restored to unrestricted status on 11/25/89.

3. Respondent was then disciplined in 92 NUR 22 (6/26/92), for diverting controlled substances from her employer for personal unprescribed use. Her license was again suspended, and the suspension stayed with limitations to require treatment. Respondent complied with the Order and her license was restored to unrestricted status on 7/1/94.

4. Respondent was then disciplined in 02 NUR 43 (8/14/03), for forging prescriptions for controlled substances with prescription blanks from her employer, for personal unprescribed use. Her license was again suspended, and the suspension stayed with limitations to require treatment and to prohibit her from having access to controlled substances as a practitioner. Following a twelve day residential evaluation at Rogers Memorial Hospital, respondent was diagnosed with benzodiazepine and opiate dependencies, major depression, and personality disorder not otherwise specified. Respondent was ultimately convicted of obtaining prescription drugs by misrepresentation, 4 counts, in Racine County Circuit Court, on 1/21/03.

6. Respondent then engaged in nursing practice at a specialty outpatient clinic. Her employer was aware of her recent relapse; Respondent represented to the Board that her employment did not provide access to controlled substances.

7. On 3/12/04, Respondent's request for a quarterly Stay of Suspension was denied and the underlying suspension went into effect, because her supervisor reported that Respondent did, in fact, have access to and was administering controlled substances, contrary to the Board's order. A stay was subsequently granted on 8/9/04, subject to the original terms of the 8/14/03 Order. Subsequent stays were granted until 12/22/04, when the Board again denied a stay of the suspension because she had not engaged in weekly individual therapy, as required by the 8/14/03 Order. On 7/26/05, Respondent was again granted a stay of suspension, subject to the original terms of the 8/14/03 Order.

8. Respondent has, during the period since the entry of the Board's order of 8/9/04 and subsequent orders granting stays of suspension, falsified several "employer reports" submitted to the Board, in that she created documents which purported to be reports from her employer, and signed by her supervisor, but which were not; these reports included false representations in that they stated that Respondent did not have access to controlled substances when, in fact, she was regularly administering them to patients. They further stated that Respondent did not engage in clinical nursing, but had administrative and education duties only, when in fact Respondent was engaging in clinical practice with patients. The employer further reported that Respondent did, in fact, practice nursing between 3/12/04 and 8/9/04, and between 12/22/04 and 7/26/05, as the employer was unaware that the Board had not granted stays of suspension and that therefore Respondent's license was, in fact, suspended during these periods.

CONCLUSIONS OF LAW

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

B. The conduct described in paragraph 8, above, violated Wis. Stat. 441.07(1)(a), (b), and (d), and Wis. Adm. Cod. §§ N 7.04(1), (14) and (15). 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 licenses and privilege of Lois J. Boyd to practice as a registered nurse and as an advanced practice nurse prescriber in the state of Wisconsin are ACCEPTED. Respondent shall not practice nursing in Wisconsin, including under the Nurse Licensure Compact, unless her license is reinstated by the Board.

IT IS FURTHER ORDERED, Respondent shall pay costs of \$150, to the Department of Regulation and Licensing, within 60 days of this Order.

Dated at Madison, Wisconsin this 25th day of January, 2007,

WISCONSIN BOARD OF NURSING, by:

Marilyn Kaufmann
Chairperson