

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 :

ANNE MCCARTHY GRAF, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER

LS0606141NUR

Division of Enforcement
04 NUR 142

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Anne McCarthy Graf, R.N.
18 Chesterton Circle
Madison, WI 53717

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

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. Respondent Anne McCarthy Graf, R.N. (born January 13, 1961) 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 # 93746, originally granted on June 18, 1986.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 18 Chesterton Circle, Madison, Wisconsin 53717.
3. On March 26, 2004 Respondent attempted to get an early refill of a Fiorinal prescription that she was taking for treatment of migraine headaches. Respondent contacted Walgreen's pharmacy prescription refill line and left a message claiming that she was her physician's nurse calling in a prescription order for Fiorinal for patient Anne McCarthy Graf. The Pharmacist contacted Respondent's physician to verify the prescription order. The physician informed the pharmacist that the telephone prescription order was fraudulent because he had not authorized the prescription order and the physician's nurse had not made the telephone order to the pharmacy. Respondent was not allowed to pick up the prescription.
4. Respondent self-reported this attempt to obtain medication through false pretenses.
5. Respondent states that she is not practicing nursing at this time, and does not intend to return to the practice of nursing for several years, until her children have all graduated from high school.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to sec. 441.07(1)(b)(c) and (d) Wis. Stats.
2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44 (5), Wis. Stats.
3. Respondent's conduct of attempting to obtain a prescription by impersonating another registered nurse is a violation of sec. N 7.04(2) and (8) Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that Respondent, Anne McCarthy Graf R.N., is hereby REPRIMANDED for the above conduct.

IT IS FURTHER ORDERED that the license previously issued to Respondent is hereby LIMITED, by the condition she may not provide patient care for any person not a member of her immediate family.

The limitation on Respondent's license may be lifted on Respondent's petition on or after January 1, 2010, provided that Respondent submits a letter from her then treating physician to the Board of Nursing attesting that she is fit to practice nursing, and satisfactory evidence that she is not impaired by reason of alcohol or drug abuse; and provided further, that Respondent has completed a satisfactory refresher course in nursing. Respondent shall petition the Board for a revision to the limited license to permit her to complete the refresher course.

IT IS FURTHER ORDERED that nothing in this Order shall be construed to prohibit Respondent from performing medical record reviews for attorneys, or for insurance carriers, other than for purposes of advising on care to be delivered to a patient.

IT IS FURTHER ORDERED that nothing in this Order shall be construed to preclude Respondent from petitioning the Board to lift the limitation on her license before January 1, 2010, nor shall anything in this Order be construed to prohibit the Board from imposing different limitations on Respondent's license should the Board chose to grant a petition from Respondent at any time; provided, however, that the Board shall give due consideration to Respondent's offer of proof that she has maintained sobriety and abstinence from drug abuse in reaching an individualized determination of duration and intensity of any AODA monitoring program to be imposed on Respondent.

IT IS FURTHER ORDERED that Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing COSTS of this proceeding in the amount of \$500.00 (FIVE HUNDRED DOLLARS) pursuant to sec. 440.22(2) Wis. Stats. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

IT IS FURTHER ORDERED that this Order shall become effective upon the date of its signing.

Dated at Madison, Wisconsin, this 1st day of March, 2007.

WISCONSIN BOARD OF NURSING

Marilyn Kaufmann
Member, Wisconsin Board of Nursing