

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
 : LS0811067NUR
 :
 GAIL J. HANSETER, R.N., :
 RESPONDENT. :
 :

[Division of Enforcement Case # 06 NUR 233]

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

Gail J. Hanseter, R.N.
120 Circle Drive
Shawano, WI 54166

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

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Gail J. Hanseter, R.N., Respondent, date of birth October 29, 1965, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 117570, which was first granted August 17, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is 120 Circle Drive, Shawano, WI 54166.
3. During the events of this matter, Respondent was employed as a registered nurse (RN) by Kindred Healthcare and worked as the Director of Nursing at San Luis Medical and Rehabilitation Center (Center), a nursing home in Green Bay, Wisconsin.
4. For a period of four to six months which ended June 1, 2006:
 - a. Respondent changed the Center's drugs destruction policy so that all expired or leftover drugs, both controlled and uncontrolled, were brought to her.
 - b. Respondent falsely told other RN's that she had destroyed controlled substances and instructed them to co-sign destruction forms, indicating they had witnessed the destruction of the controlled substances.
 - c. Respondent gave the controlled substances and other drugs which should have been destroyed to another nurse to provide them to a physician who was providing volunteer physician services to non-profit

groups in Haiti and other third world countries. The physician distributed the controlled substances and other drugs to impoverished patients who he treated on his missionary trips to those countries.

d. The Center's management and owners were unaware of Respondent providing the controlled substances and drugs for this purpose and Respondent did not have their permission to do so.

5. Respondent's actions did not cause any resident not to receive medications and did not result in anyone being charged for medications they did not receive.

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 obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out above, has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by falsely stating she destroyed controlled substances and by having others falsely state that they observed her do so, has falsified records in violation of Wis. Adm. Code § N 7.04(6) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Gail J. Hanseter, R.N., is hereby REPRIMANDED for the above conduct.

2. For two (2) years from the date of this Order, Respondent's license is LIMITED as follows:

a. Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, during the two year period.

b. Respondent shall notify the Department Monitor of each employment as a nurse and the name and contact information for her supervisor at each employment, within 10 days of becoming employed as a nurse.

c. Respondent's supervisors shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.

3. Respondent's license is further LIMITED as follows:

a. Within 120 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of six (6) hours of continuing education in the following areas: three (3) hours in nursing ethics and three (3) hours in legal aspects of nurses working with controlled substances and prescription medications, which courses shall first be approved by the Board, or its designee.

b. Upon Respondent providing proof sufficient to the Board, or its designee, that she has completed the education, this limitation shall be removed from Respondent's license.

4. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$525.00 pursuant to Wis. Stat. § 440.22(2).

5. Any requests, reports, evidence of completion of educational programs and payment shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the

event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

7. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

11/6/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GAIL J. HANSETER, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION
LS _____ NUR

[Division of Enforcement Case # 06 NUR 233]

It is hereby stipulated and agreed, by and between Gail J. Hanseter, R.N., Respondent; Michael J. Fitzgerald of Glynn Fitzgerald & Albee, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Gail J. Hanseter, R.N.
Respondent
120 Circle Drive
Shawano, WI 54166

Date

Michael J. Fitzgerald
Glynn, Fitzgerald & Albee, S.C.
Attorneys for Respondent
526 E. Wisconsin Avenue
Milwaukee, WI 53202-4503

Date

John R. Zwiag
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date

[06 NUR 233: Costs \$525.00]