

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	FINAL DECISION AND ORDER
	:	
JEANNE KELLEY, R.N.,	:	LS0910015NUR
RESPONDENT.	:	

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Division of Enforcement Case #04 NUR 072

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

Jeanne Kelley, R.N.  
2321 N. 70<sup>th</sup> Street  
Wauwatosa, WI 53213

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. Jeanne Kelley, R.N. (DOB 12/24/1954) 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 #82731-30. This license was first granted on September 23, 1982.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2321 N. 70<sup>th</sup> Street, Wauwatosa, Wisconsin 53213.
3. On or about September 17, 1998, Respondent was reprimanded by the Wisconsin Board of Nursing after she tested positive for Xanax and Darvocet.
4. At all times relevant to this action, Respondent was working for Mary-Jude Nursing Home, 9806 W. Lincoln Avenue, West Allis, Wisconsin 53213.
5. On or about March 30, 2004, a fellow employee observed Respondent punch out a pill from a pill card from the narcotic cabinet. A narcotic count showed that 1 Tylenol #3 was missing from Resident JR's medication card. Further review showed that no Tylenol #3 was charted as given since 9:30 a.m. It was ordered every four hours PRN. It was also noted that Respondent dispensed more Tylenol #3 to this resident than any other staff members and also reported more medication spill and disposal than normal for Tylenol #3. Consequently, Respondent was dismissed from her nursing duties.
6. Due in part to the conduct described in paragraphs 3 thru 5, above, the Board of Nursing requested that an AODA

assessment. The assessment showed Respondent had an 8 year history of dependence to pain medications. The assessment stated: “There have been at least two instances with previous employers during this time frame and prior, in which medications have been missing during her tenure. This cannot be overlooked as coincidental. There appeared to be many inconsistencies in Mrs. Kelley’s responses during her assessment.”

7. Respondent agrees to these facts for the purpose of this disciplinary order only and no other purpose.

### CONCLUSIONS OF LAW

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

2. The conduct described in paragraph(s) 3 through 6, above, violated Wis. Stat. §§ 441.07(1)(c) and (d) and Wis. Admin. Code §§ N 7.03(1) and N 7.04(2). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

### ORDER

IT IS ORDERED:

1. The Stipulation of the parties is approved.

2. The Board of Nursing accepts the surrender of Jeanne Kelley’s right, pursuant to Wis. Stat. § 440.08, to practice nursing in Wisconsin (license #82731-30) and the surrender of her privilege to practice in Wisconsin pursuant to the Multi-state Nurse Licensure Compact. Respondent shall immediately return all indicia of Wisconsin licensure to the Department Monitor, P.O. Box 8935, Madison, WI 53708-8935. In the event that Respondent attempts to renew her Wisconsin credential in the future, the Board will enter an order denying such application without further notice or hearing.

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

Dated at Madison, Wisconsin this 1<sup>st</sup> day of October, 2009.

BOARD OF NURSING

By: Marilyn Kaufmann  
Board Chair