

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARILYN A. SWEETNAM, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER

: Order 0000030  
:

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[Division of Enforcement Case # 09 NUR 237]

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

Marilyn A. Sweetnam, R.N.  
216 W. 7<sup>th</sup> Street  
Duluth, MN 55806

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

Board of Nursing  
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Marilyn A. Sweetnam, R.N., Respondent, date of birth August 11, 1942, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 113454, which was first granted July 16, 1993.

2. Respondent's last address reported to the Department of Regulation and Licensing is 216 W. 7<sup>th</sup> Street, Duluth, MN 55806.

Prior Disciplinary Action in Another Jurisdiction

3. The Minnesota Board of Nursing has taken the following actions against Respondent:

- a. December 1983: Suspended Respondent's license based on Respondent misappropriating and administering at least 100 mg of Demerol® to herself while on duty in July 1983. Demerol® contains meperidine, a Schedule II controlled substance. In August 1983, Respondent entered into and successfully completed a 30-day inpatient chemical dependency rehabilitation treatment program at Hazelden Treatment Facility in Center City, Minnesota.
  - b. September 20, 1984: Issued an Order to Reinstate Respondent's license with conditions which required Respondent to abstain from any and all mood-altering chemicals, including alcohol.
  - c. March 5, 1987: Suspended Respondent's license after she misappropriated tablets of Percocet® from a home health patient for her own use. Percocet® contains oxycodone, a Schedule II controlled substance.
  - d. May 5, 1988: Reinstated Respondent's license conditional upon her abstaining from any and all mood-altering chemicals, including alcohol.
  - e. April 6, 1989: Issued an Order of Unconditional License to Respondent.
  - f. February 7, 1991: Suspended Respondent's license as a result of her conduct in August 1990 when she resigned from her employment as a registered nurse at Home Health Services, Inc., in Hibbing, Minnesota, as a result of being under the influence of alcohol while on duty. Following her resignation, Respondent received treatment for alcohol dependency at Hibbing Hospital Treatment Center.
  - g. April 1, 1993: Reinstated Respondent's license with conditions related to rehabilitation, monitoring, treatment and practice; random, monitored alcohol and drug screens; and abstinence from alcohol and other mood-altering chemicals.
  - h. July 28, 1994: Issued an Order of Unconditional License to Respondent.
4. In 1996, Respondent was diagnosed with bronchiectasis and has since been on prescription Tussionex® cough syrup, a Schedule III controlled substance. For it to be effective, Respondent had been gradually using more of it.
  5. On July 23, 2009, while working as a home health nurse in Duluth, Minnesota, Respondent was found semiconscious at a patient's home after having overdosed on prescription drugs. Respondent tested positive for benzodiazepines and narcotics. An empty bottle of Klonopin® belonging to Respondent's patient was found next to Respondent. Klonopin® (clonazepam) is a benzodiazepine and Schedule IV controlled substance. Respondent had taken more Tussionex® while at work and believes she ingested the Klonopin® by mistake. Respondent contends that her medication bottle was identical in appearance to her patient's medication bottles which were lined up on a desk to be reordered.
  6. Respondent states that she has never used any type of tranquilizer or opiate and has not taken or had any prescription for Tussionex® since July 23, 2009.
  7. Respondent has advised the Division of Enforcement that she suffers from degenerative joint disease and is no longer able to work as a nurse. Respondent has not practiced as a registered nurse since July 23, 2009 and offers the voluntary surrender of her license.

### CONCLUSIONS OF LAW

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

2. Respondent, by her conduct, has abused substances to an extent that such use impairs her ability to safely or reliably practice, as defined by Wis. Admin. Code § N 7.03(2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

3. Respondent, by obtaining and using 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. Admin. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

### ORDER

#### IT IS ORDERED:

1. The SURRENDER by Marilyn A. Sweetnam, R.N., Respondent, of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED.

2. If the Board in its discretion should ever decide to grant any license to Respondent, prior to the granting of the license, Respondent shall pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Four Hundred Dollars (\$400.00) pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed 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

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

1/28/10  
Date