

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOLYNNE McLEAN, R.N.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0000072

Division of Enforcement Case # 09 NUR 131

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

Jolynne McLean, R.N.
48 Waterford Circle #207
Madison, WI 53719

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. Jolynne McLean, R.N., Respondent, date of birth April 22, 1975, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 30-139185, which was first granted August 20, 2001.

2. Respondent's last address reported to the Department of Regulation and Licensing is 48 Waterford Circle #207, Madison, WI 53719.

3. On April 23, 2009, Respondent was charged in Dane County Wisconsin Circuit Court case number 2009CM001096 with eight misdemeanor (8) counts of obtaining a prescription drug by fraud, in violation of Wis. Stat. § 450.11(7)(a). Respondent called in

fraudulent prescriptions, purportedly written by a physician who had prescribed medications for her in the past, on the following dates: January 19, 2008, March 17 and 27, 2008 and October 22, 2008. The prescription drugs Respondent fraudulently obtained included: Ortho Tri-Cyclen®, HyoMax®, Chantix®, Flexeril®, betamethasone, Seroquel®, levothyroxine and amitriptyline.

4. On May 22, 2009, Respondent pled guilty to four (4) misdemeanor counts of obtaining a prescription drug by fraud, in violation of Wis. Stat. § 450.11(7)(a). The remaining four (4) counts were dismissed. Respondent entered into a deferred prosecution agreement which, if Respondent successfully completes the program, will terminate after 12 months, with the charges being dismissed.

5. In response to an inquiry by the Division of Enforcement, Respondent explained that for almost twenty (20) years, she has suffered from depression as well as anorexia. From age 24 to 30, Respondent had been hospitalized twelve (12) times for depression, anorexia and cardiac problems related to her illness. Her depression was well-managed until 2008, when Respondent experienced a number of stressful events which worsened her depression and resulted in a need for certain medications. Respondent contends that she has never used illicit drugs or narcotic medications which were not prescribed to her, and has never diverted medication from a patient or her employer.

6. Respondent currently sees a psychiatrist and continues in therapy to manage her depression and eating disorder.

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 engaging in the conduct set out above, has violated a law substantially related to practice under her license and thereby has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1) & (2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Respondent Jolynne McLean, R.N., is REPRIMANDED.
2. The license of Jolynne McLean, R.N. to practice nursing in Wisconsin, and her privilege to practice nursing in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

(a) Respondent shall continue treatment with her psychiatrist unless and until the psychiatrist recommends that treatment be discontinued. Respondent shall execute and keep on file with her psychiatrist, the Board and the Department,

a legally valid release allowing all parties to communicate with each other and exchange documents regarding her psychiatric and psychological issues. Respondent's psychiatrist shall submit quarterly reports to the Board, in a format requested by the Department Monitor.

- (b) Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis, forthwith upon such request.

3. 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 \$500.00, pursuant to Wis. Stat. § 440.22(2).

4. All payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

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

5. 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, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

2/25/10
Date