

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SYLVIA J. MURPHY, L.P.N.,
RESPONDENT.

:
:
:
FINAL DECISION AND ORDER

:
Order 0000235
:

[Division of Enforcement Case # 07 NUR 201]

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

Sylvia J. Murphy, L.P.N.
9164 N. 70th Street
Milwaukee, WI 53223

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. Sylvia J. Murphy, L.P.N., Respondent, date of birth November 3, 1954, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 29602, which was first granted December 2, 1988.

2. Respondent's last address reported to the Department of Regulation and Licensing is 9164 N. 70th Street, Milwaukee, WI 53223.

3. During the time of the events set out below, Respondent was employed as a licensed practical nurse at Laurel Oaks, a residential care apartment complex, in Glendale, Wisconsin.

4. On May 18, 2007, a nurse at Laurel Oaks noticed in Resident JH's Medication Administration Record (MAR) that Resident JH had been receiving PRN lorazepam, a benzodiazepine used to treat anxiety and a Schedule IV controlled substance. The drug had been recorded as given on April 7, May 3, 7, 11 and 17, 2007. The nurse recognized this to be unusual for this resident. The nurse asked Resident JH why she had needed the medication the previous night. Resident JH told the nurse that she had not taken this medication the previous night and had not taken it at all since March.

5. A review of the MAR revealed that Respondent was the nurse who signed out the medications for Resident JH on those dates. It was further learned that on one of those dates, April 7, Respondent was not working. During an interview with Glendale police, Respondent admitted to signing out the medications and diverting them for her own personal use. Respondent explained that she had been under a lot of stress and was having panic attacks but could not return to her psychiatrist because she owed him money for past treatment for her panic attacks. As a result of her conduct, Respondent's employment was terminated.

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 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. Respondent, Sylvia J. Murphy, L.P.N., is REPRIMANDED for the above conduct.
2. Respondent's license to practice nursing in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nurse Licensure Compact, is LIMITED as follows:
 - a. 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.
 - b. During the pendency of this Order and any subsequent related Orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

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 Three Hundred Dollars (\$300.00), pursuant to Wis. Stat. § 440.22(2).

4. Any payments, reports and other correspondence 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

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

6/3/10
Date