

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

**FINAL DECISION AND ORDER**

DIANNA L. PETH, R.N., :  
RESPONDENT. :

Order 0000237

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Division of Enforcement Case #10 NUR 126

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

Dianna L. Peth  
1103 Oak St.  
Tomah, WI 54660

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. Dianna L. Peth (D.O.B. 8/27/55) is duly licensed in the state of Wisconsin as a professional nurse (license #105962). This license was first granted on 11/9/90. Respondent was also licensed in the state of Oregon from 8/29/88 through 8/26/09.
2. On 4/8/10, Respondent was charged in the Circuit Court for Monroe County with multiple counts of obtaining controlled substances by fraud and related charges. The Complaint alleges that Respondent made entries in the Pyxis system of her employer, Tomah Memorial Hospital, which allowed her to withdraw morphine and hydromorphone, both of which are Schedule II controlled substances. These medications were purportedly for patients, and they

were billed to the accounts of those patients. However, Respondent is alleged to have diverted them to her own use, and alleged to have admitted to police that they were for her own use; the Complaint alleges that Respondent admitted injecting herself with these substances during her work shifts. Respondent did not have an order from an authorized prescriber to use these substances, and did not have consent of the hospital or the patients to take them.

#### CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code § N 7.04(1), (2), and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that the SURRENDER of the license of Dianna L. Peth, R.N., to practice as a nurse in the state of Wisconsin is ACCEPTED. Respondent shall not practice nursing in Wisconsin, including under any privilege under the Nurse Licensure Compact, without a license from the Board.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$300, within 90 days of this Order.

WISCONSIN BOARD OF NURSING

By: Marilyn Kaufmann  
A Member of the Board

June 3, 2010  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DIANNA L. PETH, R.N.,  
RESPONDENT.

STIPULATION

Order 0000237

Division of Enforcement Case #10 NUR 126

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

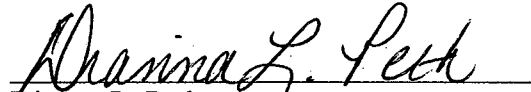
1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives significant rights, including: the right to a hearing on the allegations against Respondent, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify personally; 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 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 been provided an opportunity to obtain advice of legal counsel prior to signing this stipulation.
4. Respondent neither admits nor denied the Findings of Fact in the attached Final Decision and Order, but solely to settle this matter and to avoid the costs and uncertainties of litigation, agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the 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 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 of Nursing 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 Respondent's 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.

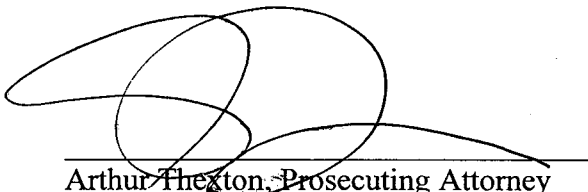
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, she will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

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

  
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Dianna L. Peth  
1103 Oak St  
Tomah WI 54660

5-6-10  
\_\_\_\_\_  
Date

  
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Arthur Thexton, Prosecuting Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

5-9-10  
\_\_\_\_\_  
Date