

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
VIRGINIA L. DESCHANE, R.N., : FINAL DECISION AND ORDER
RESPONDENT. :
ORDER 0001060

Division of Enforcement Case No. 10NUR610

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

Virginia L. Deschane, R.N.
602 Lulu Avenue
Crivitz, WI 54114

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Safety and Professional Services
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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Virginia L. Deschane, R.N., (DOB 11/04/1961) is duly licensed as a professional nurse in the State of Wisconsin (license No. 97235-30). This license was first granted on September 4, 1987.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 602 Lulu Avenue, Crivitz, WI 54114.

3. During the events of this matter, Respondent was employed at Marquette General Hospital ("MGH") in Marquette, Michigan.

4. On November 15, 2010, Respondent called the MGH Outpatient Pharmacy and left a voice message representing herself as Pat, a nurse, requesting a prescription for patient Virginia Deschane, herself. A review of Respondent's patient records revealed that Respondent had not been a patient at MGH for over two years, however multiple prescriptions had been called in over that period in the name of Virginia Deschane, as well as in her husband's name, without provider approval.

5. In a letter from Respondent to her employer dated December 8, 2010, Respondent admitted to calling in prescriptions on three occasions for herself and stated that despite knowing it was illegal, she was desperate. According to Respondent, she only called in medications for herself that were originally prescribed by a physician.

6. Respondent called in the following prescriptions using the name Pat:

- a. March 4, 2009, Doxazosin 4 mg, #90, 3 refills;
- b. March 4, 2009, Prednisone 10 mg, #60, no refills;
- c. May 1, 2009, Diovan, 320 mg, #90, 3 refills;
- d. September 2, 2009, Diovan 320 mg, #60, no refills;
- e. November 6, 2009, Allegra 60 mg, #120 and 6 refills;
- f. November 6, 2009, Diovan 320 mg, #90 and 4 refills;
- g. January 1, 2010, for G.D., Lisinopril 20 mg, #90, 1 refill;
- h. March 12, 2010, Cardura (Doxazosin) 4 mg, #90 and 3 refills;
- i. August 10, 2010, for G.D., Lisinopril 20 mg, #90, 1 refill;
- j. August 24, 2010, Celexa 20 mg, #90, 1 refill; and
- k. November 15, 2010, Diovan 320 mg, #90, 2 refills.

7. In a letter to the Division of Enforcement dated February 27, 2011, Respondent admitted the following:

- a. Respondent called in approximately three prescriptions to Marquette General Hospital Outpatient Pharmacy;
- b. Respondent attempted to obtain prescriptions for Diovan, Allegra, Doxazosin and Celexa;
- c. Respondent called in the prescriptions under various names from her nurse practitioner's office; and
- d. When filling a prescription, Respondent simply provided her name (fictitious), the patient's name, date of birth, medication, dose, number to be dispensed, number of refills and directions for use.

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. The conduct described above constitutes a violation of Wisconsin Administrative Code §§ N 7.04(1), (2) and (5), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Virginia L. Deschane, R.N., is REPRIMANDED.
2. The license of Virginia L. Deschane, R.N., to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education in Ethics of Nursing, within ninety (90) days of the date of this Order. Respondent is responsible for finding appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the ninety (90) day time frame, taking into account the board's meeting schedule. Respondent shall provide proof of completion of the continuing education to the Department Monitor.
3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of Three Hundred Fifty Dollars (\$350.00), pursuant to Wis. Stat. § 440.22(2).
4. Any requests, petitions, reports, or payments shall be mailed, faxed or delivered to:

Department of Safety and Professional Services
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 payment of the costs or completion of the continuing education.

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

Dated at Madison, Wisconsin this 1 day of Sept, 2011.

Board of Nursing

By: Louise M. Willis CRNA, APRN
A Member of the Board