

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 :
 : FINAL DECISION AND ORDER
MARY S. GALLAGHER, R.N., :
RESPONDENT. : **ORDER 0001183**

Division of Enforcement Case No. 11NUR355

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

Mary S. Gallagher, R.N.
W4998 County Hwy F
La Crosse, WI 54601

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

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. Mary S. Gallagher, R.N., (DOB 08/09/1953) is licensed as a professional nurse in the State of Wisconsin (license no. 103783-30). This license was first granted on March 16, 1990.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is W4998 County Hwy F, La Crosse, WI 54601.

3. At all times relevant, Respondent was employed as a professional nurse at Franciscan Healthcare in La Crosse, Wisconsin.

4. A Pyxis audit of nursing staff revealed that Respondent was a high user in controlled substance removal compared to others. A review of Respondent's charts showed that on several occasions Respondent removed controlled substances, but often failed to document the administration or waste of the medication, and failed to have waste witnessed.

5. Respondent denies diverting the medications for personal use and attributes the documentation errors to health issues. Respondent admits that she was addicted to Vicodin, for which she had a prescription.

6. Respondent is currently in treatment; however, she desires to surrender her license with the opportunity to petition for reinstatement after she is further along in her recovery.

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 7.03(2) and N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. §§ 441.07(1)(c) and (d).

ORDER

1. The SURRENDER of the license of Mary S. Gallagher to practice nursing in the State of Wisconsin is hereby accepted.

2. The SURRENDER of the privilege of Mary S. Gallagher to practice nursing in the State of Wisconsin under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent re-applies for licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing.

4. In the event that Respondent ever reapplies for any credential in Wisconsin Respondent shall, prior to such application, pay costs of this proceeding in the amount of two hundred dollars (\$200.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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

Dated at Madison, Wisconsin this 3 day of November, 2011

Board of Nursing

By: *Gretchen Love*
A Member of the Board