

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
	:	FINAL DECISION AND ORDER
MARY J. CAIN, R.N.,	:	
RESPONDENT.	:	ORDER 0002478

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 NUR 600

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

Mary J. Cain, R.N.  
407 South Suffolk Street  
Ironwood, MI 49938

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Mary J. Cain, R.N., (dob March 30, 1952) is licensed in the State of Wisconsin as a professional nurse, having license number 69471-30, first issued on December 2, 1977 and current through February 28, 2014. Respondent’s most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 407 South Suffolk Street, Ironwood, Michigan 49938.
2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a health and rehabilitation center (Center), located in Hurley, Wisconsin.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. On December 3, 2012, the Director of Nursing (DON) asked to speak to Respondent regarding a disciplinary matter.

4. Respondent requested the DON come into the medication room. When the DON and Respondent were in the medication room, Respondent showed the DON a handful of blue pills (Xanax), stating “this is what you made me do,” and proceeded to swallow the entire handful.

5. Respondent told the DON that she had also taken a handful of white pills.

6. When the DON and personnel were attempting to get Respondent help, Respondent threatened to harm others and “take the building down.”

7. Respondent was admitted to a psychiatric hospital and was diagnosed with major depressive disorder and sedative dependence syndrome.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Mary J. Cain, R.N., was impaired as defined by Wis. Admin. Code § N 7.03(3) by conduct that reflects an impaired ability of the Respondent to safely or reliably perform duties.

3. By the conduct described in the Findings of Fact, Mary J. Cain, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2) by obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

4. As a result of the above violations, Mary J. Cain, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Mary J. Cain, R.N., (license no. 69471-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. Respondent shall not petition the Board of Nursing for re-licensure for at least one (1) year from the date of this Order. After the one year period, Respondent may or may not be granted re-licensure, but may petition for re-licensure, under the following terms and conditions:

- a. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in evaluating health care practitioners' fitness for duty:
  - i. The provider performing the assessment must not have treated Respondent and shall have been approved by the Board, with the opportunity for the Division of Legal Services and Compliance to make its recommendation, prior to the evaluation being performed; and
  - ii. Within fifteen (15) days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below.
- b. Respondent must provide proof sufficient to convince the Board that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner;
- c. If the Board determines to granted re-licensure, Respondent's license shall be limited in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:
  - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board by the therapist.
  - ii. Additional professional education in any identified areas of deficiency.
  - iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- d. If Respondent believes that the Board refusal to granted re-licensure is inappropriate or that any limitation imposed or maintained by the Board or its designee under paragraph c is inappropriate, Respondent may seek a Class I hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's or designee's decision is arbitrary or capricious. The surrender or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of \$600.00, pursuant to Wis. Stat. § 440.22(2).

5. If Respondent believes that any denial of licensure or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat.

§ 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. Proof of successful course completion, quarterly reports, evaluation and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

By:

Juli Nelson, RN  
A Member of the Board

6/13/13  
Date