

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

MICHAEL L. SCHLEICHER, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002522.

Division of Legal Services and Compliance¹ Case No. 11 NUR 272

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

Michael L. Schleicher, R.N.
3902 Maple Grove Drive
Madison, Wisconsin 53719

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 Michael L. Schleicher, R.N., (dob May 23, 1984) is licensed in the State of Wisconsin as a professional nurse, having license number 159091-30, first issued on June 13, 2007 and currently inactive. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3902 Maple Grove Drive, Madison, Wisconsin 53719.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse in the Emergency Department (ED) at a hospital (Hospital) located in Madison, Wisconsin.

3. On April 5, 2011, staff working with Respondent reported that Respondent appeared slow, sluggish, confused and sleepy. Staff also reported that Respondent was unable to focus and was slurring words. Respondent stated he was tired and went home early.

4. On April 12, 2011, Respondent underwent a drug test, which was positive for hydrocodone and hydromorphone. Respondent stated he had a prescription for hydrocodone.

5. Hospital conducted an investigation of the narcotic dispensing system for April through June 2011, and discovered a number of discrepancies in Respondent's dispensing of narcotics.

6. In April 2011, Respondent made six trips to the locker room between dispensing and wasting hydromorphone.

7. In October 2012, Respondent moved to Iowa. Respondent has been working as a nurse practitioner in Iowa without any reported problems. Respondent has also successfully completed an alcohol and drug abuse assessment. The assessment was provided to the Division.

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. Pursuant to Wis. Stat. § 961.16(2)(a)8., hydromorphone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. By the conduct described in the Findings of Fact, Michael L. Schleicher, R.N., was impaired as defined by Wis. Admin. Code § N 7.03(2) by using any drug to the extent that such use impairs the ability of the licensee to safely or reliably practice.

4. By the conduct described in the Findings of Fact, Michael L. Schleicher, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2) by obtaining a drug other than for legitimate use and prohibited by law.

5. As a result of the above conduct, Michael L. Schleicher, 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. Respondent Michael L. Schleicher, R.N., is REPRIMANDED.
3. The professional nursing license issued to Michael L. Schleicher, R.N., (license number 159091-30) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within 90 days of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of ethics in nursing and five (5) hours of education on the topic of medication administration offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. For a period of two (2) years from the date of this order:
 - i. Respondent shall notify the Department Monitor of any change of nursing employment during the time the Order is in effect. Notifications shall occur within fifteen (15) days of change of employment and shall include an explanation of the reasons for the change.
 - ii. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department ("Approved Program").
 - iii. At any time within two (2) years from the date of this Order, Respondent shall, upon request of the Board or its designees, or the Department, or any 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 urine or hair (as designated by the requested person) for analysis.
 - iv. If any urine or hair specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be

appropriate to clarify or confirm the positive or suspected positive results.

- v. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.

4. Within 120 days from the date of this Order, Michael L. Schleicher, R.N., shall pay COSTS of this matter in the amount of \$1,600.00.

5. Request of approval of courses, proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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

6. 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 Respondent fails to timely submit payment of the costs as ordered, fails to submit proof of successful completion of the ordered education as set forth above, fails to submit to random drug testing or otherwise fails to comply with this order, Respondent's license (no. 159091-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs, submit proof of completion of the education, complied with drug screening and all other parts of this order.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

Date

