

## 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

JOANNE M. CHENERY, R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003108**

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Division of Legal Services and Compliance Case No. 13 NUR 157

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

Joanne M. Chenery, R.N.  
6647 Greenway, 2  
Greendale, WI 53129

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Joanne M. Chenery, R.N., (dob June 12, 1983) is licensed in the State of Wisconsin as a professional nurse, having license number 147470-30, first issued on July 8, 2004 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6647 Greenway, 2, Greendale, Wisconsin 53129.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a medical center (Center) located in Cudahy, Wisconsin.

3. On February 26, 2013, the Center received a complaint regarding potential diversion of controlled substances by Respondent.

4. Based on the complaint, the Center examined withdrawal records from the Center's automated medication dispensing system for Respondent and Respondent's co-workers from November 26, 2012 to February 26, 2013. Review of the withdrawal records showed that Respondent had dispensed more hydromorphone 1mg/ 1ml injectables, lorazepam 1 mg/2ml injectables, and morphine 4mg/ 1ml injectables than Respondent's co-workers in the same department and during the same time period. Additionally, Respondent wasted unused portions of morphine and lorazepam injectables more frequently than her peers.

5. On March 11, 2013, Respondent admitted to diverting medication which would otherwise have been wasted for the purpose of treating her daughter who suffered from a medical condition that required intravenous medications. Respondent was unable to meet the medical expenses for her daughter, due in part to her ex-husband's failure to pay alimony or child support.

6. On March 15, 2013, Respondent's employment at the Center was terminated.

7. 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, Joanne M. Chenery, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.04(2) by diverting controlled medication other than in the course of legitimate practice.

3. As a result of the above conduct, Joanne M. Chenery, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Joanne M. Chenery, R.N., is REPRIMANDED.

3. The professional nurse license issued to Joanne M. Chenery, R.N., (license number 147470-30) and her 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 her own expense, successfully complete three (3) hours of education on the topic of ethics

and three (3) hours of education on the topic of medication administration, in particular wasting medications, 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. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Joanne M. Chenery, R.N. shall pay COSTS of this matter in the amount of \$245.00.

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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DPSMonitoring@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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 147470-30) 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 and submit proof of completion of the education.

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

WISCONSIN BOARD OF NURSING

by: Jeffrey A. Meen, DNP, APRN  
A Member of the Board

3-13-14  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOANNE M. CHENERY, R.N.,  
RESPONDENT.

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STIPULATION

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Division of Legal Services and Compliance Case No. 13 NUR 157

Respondent Joanne M. Chenery, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- 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 on Respondent's own behalf;
- 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 to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). 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 then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Joanne M. Chenery, R.N., Respondent  
6647 Greenway, 2  
Greendale, WI 53129  
License no. 147470-30

2/4/14  
Date



Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison WI 53707-7190

2/10/14  
Date