

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

MICHELLE T. MAMULA, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003211

Division of Legal Services and Compliance Case No. 13 NUR 240

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

Michelle T. Mamula, R.N.
4215 27th Ave. South
Minneapolis, MN 55406

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 Michelle T. Mamula, R.N., (dob July 24, 1969) is licensed in the State of Wisconsin as a professional nurse, having license number 193587-30, first issued on December 18, 2012. This license expired on February 28, 2014, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 11909 Goldenrod Street NW, Coon Rapids, Minnesota 55448.

2. Upon information and belief Respondent's current address is 4215 27th Avenue South, Minneapolis, Minnesota 55406.

3. On April 4, 2013, the Minnesota Board of Nursing and Respondent stipulated to an order based on the following facts:

- a. Between August 2009 and May 2011, Respondent received prescriptions for Vicodin® from nine different providers. Respondent also received prescriptions for oxycodone and Tylenol® with codeine from two other providers. Respondent filled the prescriptions at three different pharmacies. The prescriptions were obtained from a clinic, an emergency department, a dentist, and an orthopedic specialty center. In addition, on April 20, 2010, Respondent presented to her physician complaining of anxiety following a stressful year and was prescribed Xanax® and fluoxetine for stress and anxiety.
- b. While Respondent was employed as a registered nurse at a facility in Edina, Minnesota, the following occurred:
 - 1) From April 2009 until October 2010, Respondent received multiple warnings and coachings related to her nursing practice and workplace behavior, and in July 2010, she was placed on a 2-day decision making leave as a result of the ongoing concerns. Some examples of the concerns included leaving intensive-care patients unattended, texting on her cell phone during a patient procedure, and engaging in a loud verbal argument with another nurse, which was overheard by other staff.
 - 2) On October 11, 2010, Respondent's employment was terminated.
- c. On March 12, 2011, Respondent submitted a pre-employment drug screen for a new employer. The results of the screen were positive for amphetamines and methamphetamine.
- d. The following occurred while Respondent was employed as a registered nurse, beginning May 16, 2011, at a facility in St. Louis Park, Minnesota:
 - 1) On August 3, 2011, Respondent received a verbal warning for failure to show up for her scheduled shift. Respondent's employer called Respondent and left her a message asking why she had not

shown up for her shift. Respondent returned the call and stated she could not come in because she had not slept, though she said she could come in at a later time.

- 2) On September 14, 2011, Respondent's absence rate was 4.3 percent, a violation of facility policy.

e. During the conference with the Minnesota Review Panel, Respondent provided the following information:

- 1) Respondent said she has had many injuries and health issues for which she has current prescriptions for Valium®, Vicodin®, and anti-inflammatory medications as needed. Respondent did not have an explanation for the pre-employment drug screen result that was positive for methamphetamine and amphetamine, except that she said she was on a lot of cold medicine, which she could not identify by name. Respondent said she typically takes one Vicodin® per day to sleep and occasionally takes Valium® for sleep, and she goes to physical therapy twice weekly.
- 2) Respondent has not completed chemical dependency treatment or mental health treatment.
- 3) The Review Panel continued the conference and requested that Respondent obtain an immediate toxicology drug screen.

f. Respondent obtained a toxicology screen; however, she obtained the screen outside of the time limits for the screen and the results were dilute. In addition, the results of the screen were positive for amphetamine and methamphetamine.

4. Respondent has informed the Department that she is not currently working in Wisconsin and does not intend to return to practice in Wisconsin. Respondent, therefore, wishes to voluntarily surrender her State of Wisconsin professional nursing license.

5. 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. Vicodin® contains less than 15 milligrams of hydrocodone, and is a Schedule III controlled substance pursuant to Wis. Stat. § 961.18(c), for which a prescription is required pursuant to Wis. Stat. § 961.38(3).
3. Pursuant to Wis. Stat. § 961.16(2)(a)11., oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).
4. Xanax® is a brand name for alprazolam. Pursuant to Wis. Stat. § 961.20(2)(a), alprazolam is a schedule IV controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(3).
5. Valium® is a brand name for diazepam. Pursuant to Wis. Stat. § 961.20(2)(cr), diazepam is a schedule IV controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(3).
6. By the conduct described in the Findings of Fact, Michelle T. Mamula, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(7) by having disciplinary action through final board adjudication taken against her license in another jurisdiction.
7. As a result of the above conduct, Michelle T. Mamula, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of the license, right to renew and privilege of Michelle T. Mamula, R.N., (license no. 193587-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.
3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$400.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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
DSPSMonitoring@wisconsin.gov

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN 5/8/14
A Member of the Board Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHELLE T. MAMULA, R.N.,
RESPONDENT.

STIPULATION

00032 11

Division of Legal Services and Compliance Case No. 13 NUR 240

Respondent Michelle T. Mamula, 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.

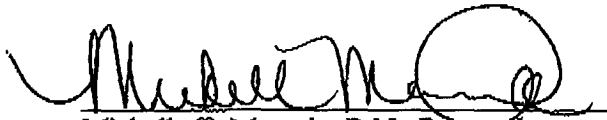
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

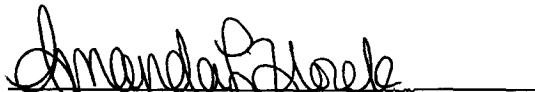
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Michelle T. Mamula, R.N., Respondent
4215 27th Ave. South
Minneapolis, MN 55406
License no. 193587-30

3/18/2014

Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

4/2/14

Date