

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

THERESE A. JAECKLE, A.P.N.P., R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003466

Division of Legal Services and Compliance Case No. 14 NUR 074

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

Therese A. Jaeckle, A.P.N.P., R.N.
4670 N. 143rd Street
Brookfield, WI 53005

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 Therese A. Jaeckle, A.P.N.P., R.N., (dob March 22, 1960) is licensed in the State of Wisconsin as a professional nurse, having license number 79909-30, first issued on September 8, 1981 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4670 N. 143rd Street, Brookfield, Wisconsin 53005.

2. Respondent is also certified in the State of Wisconsin as an advanced practice nurse prescriber, having certificate number 3319-33, first issued on December 6, 2007 and current through September 30, 2016.

3. At all times relevant to this proceeding, Respondent was self-employed as a psychiatric nurse practitioner as co-owner of a clinic, located in West Bend, Cedarburg, West Allis, and Milwaukee, Wisconsin.

4. On June 14, 2011, Physician X signed an agreement to be Respondent's collaborator, and medical director of the clinic. They met monthly to review cases, and Respondent paid a fee for this service.

5. At one point, Respondent agreed to prescribe Physician X his ADHD medication. Respondent believed that he met the criteria for a diagnosis of ADHD. Physician X informed Respondent that he was taking Vyvanse® 70 mg and this was effective. Respondent provided Physician X with a one month prescription at their monthly meetings. Respondent did not receive any compensation for her services.

6. Respondent kept a file folder with some basic medical information on Physician X, but failed to conduct and document adequate initial and follow up evaluations or monitor his blood pressure and failed to keep an adequate patient health care record.

7. At a later date, Respondent, upon Physician X's request, wrote his prescription for Adderall® 30 mg, two times per day instead of Vyvanse®.

8. On June 1, 2012, Respondent conducted an initial evaluation of Patient A, a woman born in 1983. Patient A indicated that she was looking for a new prescriber and wasn't pleased with her prior psychiatrist. Patient A reported that she had been diagnosed with bipolar I disorder and ADD, and was also seeing a psychologist. Her current medications were Abilify® 15 mg, Ritalin® 40 mg, omeprazole and acetaminophen.

9. Patient A exhibited a good understanding of her bipolar disorder and how it affected her noting her most recent episode was mixed mania. Patient A reported having been tried on a number of different medications including Vyvanse® which either resulted in side effects or were ineffective. Patient A reported the Abilify® was now working though she still had episodes of sadness from time to time.

10. Patient A reported that the Ritalin® 40 mg was ineffective and Respondent changed the prescription to Adderall® (amphetamine salts) 30 mg, three times per day without first attempting alternatives. The Abilify® 15 mg was continued.

11. Adderall® is a combination of dextroamphetamine and amphetamine. Pursuant to Wis. Stat. § 961.16(5)(a), an amphetamine is a schedule II controlled substance.

12. Respondent referred Patient A for a sleep study to document hypersomnia because Patient A reported sleeping 12-16 hours per day despite taking 120 mg Ritalin® per day. Respondent provided Patient A with a one month prescription for Adderall® 30 mg, three times per day.

13. On June 22, 2012, Patient A returned for a follow up visit. Patient A reported that she was taking Adderall® 30 mg, three times per day, and "Vyvrin" [*sic*] 2 tabs to keep awake.

Patient A admitted that she self-increased her Adderall® to 60 mg, three times per day. She said that it was effective during the day, but not in the evening. She complained that the medication stopped working and it became more difficult at work and to care for her daughter. Patient A had met with the sleep study clinic, but the study was delayed, pending reinstatement of her insurance.

14. Respondent left Patient A's Adderall® dosage at 30 mg, but increased it to four times per day to better accommodate Patient A's home and work schedule. Respondent provided Patient A with a one month prescription for Adderall® 30 mg, four times per day.

15. On July 2, 2012, Patient A called Respondent and reported she was taking 60 mg Adderall® and that it was working well for about 4 hours then she falls back to sleep. Respondent increased the patient's Adderall® dosage to 60 mg, four times per day (240 mg per day). Respondent provide Patient A with two, 2 week prescriptions for Adderall® 60 mg, four times per day.

16. Respondent prescribed excessive doses of Adderall® to Patient A. The usual recommended dose of Adderall® is 5 mg to 60 mg per day in divided doses.

17. On July 10, 2012, Patient A's case was reviewed with Physician X, collaborator. He concurred with the Adderall® 60 mg, four times per day dose in light of the possible diagnosis of hypersomnia.

18. On July 28, 2012, Respondent increased Patient A's Abilify® dose to 20 mg after Patient A reported becoming depressed following an altercation with her mother. Respondent provided Patient A with two, 2 week prescriptions for Adderall® 60mg, four times per day.

19. On August 22, 2012, Respondent provided Patient A with one, 2 week prescription for Adderall® 60 mg, four times per day.

20. On September 7, 2012, Patient a reported that she was doing better on 20 mg Abilify®; her mood was more stable with no outbursts. She noted that with the higher dose of Adderall® she had started school and successfully completed a 7 page paper. She was scheduled to follow up in 3 months. Respondent provided Patient A with two, 2 week prescriptions for Adderall® 60 mg, four times per day.

21. On September 21, 2012, Respondent received a report from a pharmacist that Patient A was filling her prescriptions for two week supplies approximately one week apart, by filling them alternately at two different pharmacies. Respondent then ceased prescribing stimulants to Patient A.

22. 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, Therese A. Jaeckle, A.P.N.P., R.N., violated Wis. Admin. Code § N 7.03(1)(b), by an act or omission demonstrating a failure to maintain competency in practice and methods of nursing care.
3. As a result of the above violations, Therese A. Jaeckle, A.P.N.P., R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (c).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Therese A. Jaeckle, A.P.N.P., R.N., is REPRIMANDED.
3. The advanced practice nurse prescriber certification and professional nursing license issued to Therese A. Jaeckle, A.P.N.P., R.N., (certificate number 3319-33 and license number 79909-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within nine (9) months of the date of this Order, Respondent shall, at her own expense, successfully complete twenty-three (23) hours of education on the topic of professional boundaries offered by a pre-approved provider, including taking and passing any exam offered for the courses.
 - i. Respondent shall be responsible for locating courses, for providing adequate course descriptions to the Department Monitor at the address below, and for obtaining pre-approval of the courses from the Wisconsin Board of Nursing, or its designee, prior to commencement of the courses.
 - ii. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - iii. The following courses are preapproved for the professional boundaries requirement:
 - Maintaining Proper Boundaries, offered by Vanderbilt University School of Medicine.
 - Maintaining Proper Boundaries, jointly sponsored by the University of Texas Southwestern Medical Center and the Santé Institute of Professional Education and Research.
 - iv. Respondent may propose alternative courses, which shall be the substantial equivalent of the courses are preapproved, above.

- b. Within nine (9) months of the date of this Order, Respondent shall, at her own expense, successfully complete twenty-five (25) hours of education on the topic of appropriate prescribing of controlled substances offered by a preapproved provider, including taking and passing any exam offered for the courses.
- i. Respondent shall be responsible for locating courses, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Board of Nursing, or its designee, prior to commencement of the courses.
 - ii. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - iii. The following courses are preapproved for prescribing controlled substances:
 - Intensive Course in Controlled Substance Prescribing, Case Western Reserve University School of Medicine.
 - Physician Prescribing Course, University of California, San Diego School of Medicine.
 - Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing, University of Florida College of Medicine, Department of Psychiatry.
 - Prescribing Controlled Drugs, Vanderbilt University School of Medicine and the Center for Professional Health.
 - iv. Respondent may propose alternative courses, which shall be the substantial equivalent of the courses are preapproved, above.
- c. 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.
- d. 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, Therese A. Jaeckle, A.P.N.P., R.N., shall pay COSTS of this matter in the amount of \$600.

5. Request of approval of courses, proof of successful course completion and payment of 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
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 certificate and 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 certificate and license (nos. 3319-33 and 79909-30) 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:  DNP, APNP
A Member of the Board

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October 9, 2014
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THERESE A. JAECKLE, A.P.N.P., R.N.,
RESPONDENT.

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STIPULATION

0003466

Division of Legal Services and Compliance Case No. 14 NUR 074

Respondent Therese A. Jaeckle, A.P.N.P., 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 or Respondent's attorney, 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.

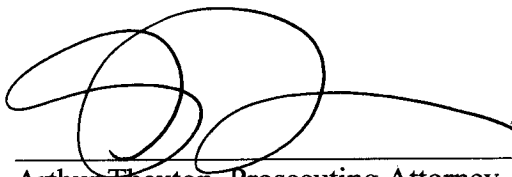
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Therese A. Jaeckle, A.P.N.P., R.N., Respondent
4760 North 143rd Street
Brookfield, WI 53005
Credential nos. 3319-33 and 79909-30

9/11/2014
Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

9/17/14
Date