

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

LAUREL M. SATHER, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004919

Division of Legal Services and Compliance Case Nos. 15 NUR 225 and 15 NUR 642

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

Laurel M. Sather, R.N.
2117 7th St.
Eau Claire, WI 54703-7038

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 Laurel M. Sather, R.N., (dob July 5, 1965) is licensed in the State of Wisconsin as a professional nurse, having license number 126708-30, first issued on July 11, 1997 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2117 7th Street, Eau Claire, Wisconsin 54703-7038.

15 NUR 225

2. At all times relevant to this case, Respondent was employed as a professional nurse at a nursing home (Home), located in Eau Claire, Wisconsin.

3. On April 9, 2015, Respondent was observed by CNA A entering the staff bathroom concealing a blister pack of medication under her coat.

4. When Respondent exited the bathroom, she returned to the nurse station. CNA A discovered two (2) empty blister packs of oxycodone/acetaminophen 5/325 mg for Patient A in the garbage at the nurse's station. CNA A informed the administrator.

5. The administrator ordered Respondent to submit to a reasonable suspicion drug screen. Respondent refused to submit to the drug screen and her employment was immediately terminated.

6. On April 14, 2015, Respondent, in an interview with an Eau Claire police department detective, admitted to the following:

- a. She diverted the blister pack and brought it to the bathroom. She then popped out all of the tablets, but got "nervous" and "scared" and flushed the tablets down the toilet.
- b. She refused to take the drug screen because she was worried she would test positive for marijuana because she had smoked it three (3) weeks prior.
- c. Respondent admitted to having a history of alcohol abuse and to being a kleptomaniac.

7. The Department's investigation revealed Respondent failed to report the following convictions:

- a. On January 8, 2004, in Chippewa County Circuit Court case number 2003CM1002, Respondent was convicted of one (1) count operating while intoxicated 2nd offense, in violation of Wis. Stat. § 346.63(1)(a), a misdemeanor; and one (1) count bail jumping, in violation of Wis. Stat. § 946.49(1)(a), a misdemeanor.
- b. On April 14, 2004, in Eau Claire County Circuit Court case number 2003CM1065, Respondent was convicted of one (1) count retail theft, in violation of Wis. Stat. § 943.50(1m)(b), a misdemeanor.
- c. On April 14, 2004, in Eau Claire County Circuit Court case number 2004CM292, Respondent was convicted of one (1) count retail theft, in violation of Wis. Stat. 943.50(1m)(b), a misdemeanor; and one (1) count bail jumping, in violation of Wis. Stat. § 946.49(1)(a), a misdemeanor.
- d. On October 30, 2006, in Eau Claire County Circuit Court case number 2006CM1616, Respondent was convicted of one (1) count retail theft, in violation of Wis. Stat. 943.50(1m)(b), a misdemeanor.

- e. On July 20, 2009, in Eau Claire County Circuit Court case number 2006CM1616, Respondent was convicted of one (1) count retail theft, in violation of Wis. Stat. 943.50(1m)(b), a misdemeanor.
- f. On January 15, 2015, in Eau Claire County Circuit Court case number 2006CM1616, Respondent was convicted of one (1) count retail theft, in violation of Wis. Stat. 943.50(1m)(b), a misdemeanor.

8. Each conviction individually does not constitute a violation of a law substantially related to the practice of nursing. However, Respondent's lack of impulse control and diagnoses cause concerns regarding Respondent's fitness to practice nursing and requires monitoring.

9. On July 13, 2015, Respondent, in an interview with a Department investigator, admitted to diverting Patient A's blister pack of oxycodone/acetaminophen, flushing the medication down the toilet and to smoking marijuana three (3) times in the last fifteen (15) years.

10. Respondent further admitted to the Department investigator that she lacks impulse control when she consumes alcohol which led to her theft convictions.

15 NUR 642

11. At all times relevant to this case, Respondent was employed as a professional nurse by an agency (Agency) at a nursing home, located in Dallas, Wisconsin.

12. On October 17, 2015, Respondent was heard by Medical Technician A yelling and cursing at Resident A. Resident A is diagnosed with dementia.

13. Respondent yelled at Resident A to "sit down and shut up."

14. Medical Technician A called the director of nursing (DON) to report Respondent's conduct.

15. While on the phone with Medical Technician A, the DON could hear yelling and cursing in the background, and someone saying "give me that goddamn phone."

16. All residents were removed from the immediate area.

17. The DON arrived at the facility to speak with Respondent.

18. When asked what had happened, Respondent replied:

That black haired old lady down this hall has been verbally abusive and assaulted me tonight. I'm calling the police on her and the state on this fucking place. Yeah I got mad and told her to shut the fuck up or I would slap her and call the police.

19. During the conversation Respondent became loud, was cursing, and got in the DON's face.

20. Respondent was asked to leave the building and on her way out was loud, cursed and verbally assaulted Medical Technician A for calling the DON.

21. Resident A suffered no harm as a result of Respondent's conduct.

22. Respondent's employment with the Agency was terminated.

23. During the investigation of both of these cases, Respondent submitted to an AODA assessment and fitness for duty assessment. The treaters believed she was fit to practice but recommended limitations on her licensure. Those recommendations are included in the order below.

24. During the course of investigation of these cases, Respondent successfully completed classes on the topics of documentation, critical thinking and ethics.

25. 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 paragraph 9 of the Findings of Fact, Laurel M. Sather, R.N., violated Wis. Admin. Code §§ SPS 4.09(2) and N 7.03(1)(h), and Wis. Stat. § 440.03(13)(am), by failing to notify the board of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction.

3. By the conduct described in paragraphs 3 – 8 of the Findings of Fact, Laurel M. Sather, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

4. By the conduct described in paragraphs 13-18 of the Findings of Fact, Laurel M. Sather, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(c), by abusing a patient by a single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain, injury, mental anguish, or fear.

5. By the conduct described in paragraphs 13-18 of the Findings of Fact, Laurel M. Sather, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(d), by engaging in repeated or significant disruptive behavior or interaction with health care personnel, patients, family members, or other that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered.

6. As a result of the above conduct, Laurel M. Sather, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c) and (d).

ORDER

1. The attached Stipulation is accepted.
2. The license of Laurel M. Sather, R.N., (license number 126708-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** indefinitely starting September 15, 2016.
3. The suspension shall not be stayed for the first month, but any time after one (1) month the suspension may be stayed upon Respondent providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has been in compliance with all of the terms and provisions of this Order for the most recent month.
4. The professional nursing license issued to Laurel M. Sather, R.N., (license number 126708-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **LIMITED** as follows:
 - a. Respondent shall, at her own expense, participate in individual psychotherapy to address concerns noted in the fitness for duty assessment as well as anger management concerns.
 - b. Respondent must get pre-approval of the therapist from the Board, or its designee. This therapist must be appropriately licensed to deal with mental health, dependence and anger management concerns.
 - c. Respondent shall provide a copy of this order and a copy of the fitness for duty to the provider. Respondent shall provide the Department Monitor with written acknowledgment from the therapist that a copy of this Order and fitness for duty has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning treatment and/or within fourteen (14) days of the date of this Order for treatment current as of the date of this Order.
 - d. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
 - e. Respondent shall comply with the treater's recommendations.
 - f. Respondent shall execute necessary documents authorizing the Division to obtain records of evaluation, and to discuss Respondent and her case with the evaluator. Respondent shall execute all releases necessary to permit disclosure of the AODA assessment to the Board or its designee. Certified copies of the AODA assessment shall be admissible in any future proceeding before the Board.

- g. Respondent's shall arrange for her treater to send to the Department monitor monthly reports reporting the Respondent's diagnosis, treatment, compliance with treatment and recommendations regarding ongoing treatment. After six (6) months, Respondent can petition to have these reports reduced to quarterly reports. In order for the petition to be approved, the treater must agree that monthly reporting to the Board is no longer necessary, Respondent must be complying with all of the treaters recommendations and have satisfactory treater reports for at least six (6) consecutive months.

5. The professional nursing license issued to Laurel M. Sather, R.N., (license number 126708-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. For a period of at least two (2) years from the date of this Order:
 - i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
 - ii. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
 - 3. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year, for the first year of this Order.
 - iii. Respondent shall abstain from all personal use of alcohol.
 - iv. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the

controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

- v. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 3(a)v.
- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, 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 test results.
- ix. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

- x. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances.
- xi. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an approved equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified by the speaker or chair and reported quarterly to Treater and the Department Monitor.
- xii. Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting.
- xiii. Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.

6. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

7. Within one year from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$3,150.00.

8. Any requests, reports, documents 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:

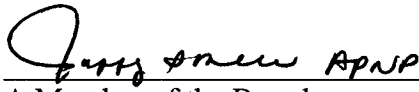
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

9. 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 for a violation of any of the terms of this Order. In the event Respondent fails to work under direct supervision while employed as a nurse, fails to provide a copy of this Order to all nursing employers, fails to timely enroll in an approved drug and

alcohol monitoring program, fails to comply with all requirements for participation in drug and alcohol monitoring, fails to timely submit quarterly work reports, fails participate in psychotherapy with a pre-approved treater, fails to provide a copy of this order and her fitness for duty report to the psychotherapy treater, fails to comply with treater's recommendations, fails to have treater reports submitted or fails to timely submit payment of the costs as ordered, Respondent's license (no. 126708-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent is working under direct supervision while employed as a nurse, has provided a copy of this Order to all nursing employers, enrolled in an approved drug and alcohol monitoring program, complied with all requirements of the approved drug and alcohol monitoring program, timely submitted quarterly reports, participated in psychotherapy with a pre-approved treater, shown a copy of this order and her fitness for duty report to her psychotherapy treater, provided proof that the psychotherapy treater has reviewed this order and the fitness for duty assessment, complied with treater's recommendations, has her treater provide reports to the Board or its designee and has complied with payment of the costs.

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

WISCONSIN BOARD OF NURSING

by:  Jerry Annu APNP
A Member of the Board

9.8.16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LAUREL M. SATHER, R.N.,
RESPONDENT.

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:
:

STIPULATION

0004919

Division of Legal Services and Compliance Case Nos. 15 NUR 225 and 15 NUR 642

Respondent Laurel M. Sather, 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

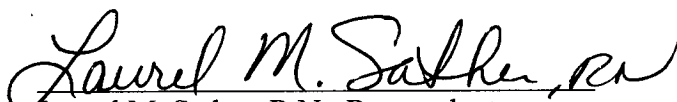
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

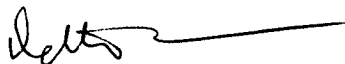
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Laurel M. Sather, R.N., Respondent
2117 7th St.
Eau Claire, WI 54703-7038
License no. 126708-30

8/4/16

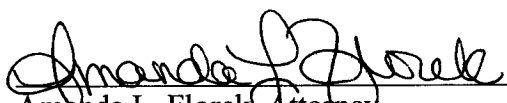
Date



Delton Thorson, Attorney for Respondent
P.O. Box 31
Augusta, WI 54722

8-4-16

Date



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

8/8/16

Date