

## 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

CHARITY L. RUH, L.P.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: **0004967**

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Division of Legal Services and Compliance Case No. 16 NUR 150

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

Charity L. Ruh, L.P.N.  
171 18<sup>th</sup> St. North  
Wisconsin Rapids, WI 54494

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 Charity L. Ruh, L.P.N., (dob October 14, 1982) is licensed in the State of Wisconsin as a practical nurse, having license number 313515-31, first issued on May 11, 2011 and current through April 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 171 18<sup>th</sup> Street North, Wisconsin Rapids, Wisconsin 54494.

2. Upon information and belief, Respondent's current address is 1110 Oak Street, Wisconsin Rapids, Wisconsin 54494.

3. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a nursing home (Home), located in Marshfield, Wisconsin.

4. On March 3, 2016, Respondent and her social worker called the Home's director of nursing (DON) and Respondent admitted to diverting Patient A's discontinued medication from the locked medication room during her shift on February 23, 2016.

5. The medication Respondent diverted were blood pressure medications, metoprolol and amlodipine.

6. Respondent stated that she was instructed to destroy the medication during her shift, but removed the medication from the packaging and placed them in her pocket.

7. Respondent admitted that she took the medication home to overdose in an attempt to end her life the next morning.

8. The Home conducted an investigation which revealed the following:

- a. Patient A's medication order for metoprolol and amlodipine had recently changed.
- b. The medication Respondent diverted was to be destroyed.
- c. The Home's pharmacy confirmed that Respondent had diverted 21 metoprolol 12.5 mg tablets and 18 amlodipine 5 mg tablets.
- d. Patient A and all other patients had received their medication.

9. On April 7, 2016, Respondent, in a letter to the Department, admitted to diverting Patient A's medication on February 23, 2016, in order to end her life.

10. Respondent also admitted to diverting insulin from a previous employer on four (4) occasions from 2011 to 2012 and that she had overdosed twice, resulting in hospitalization.

11. Respondent further stated that she gave all of the medication she diverted from Patient A to her therapist.

12. Respondent is currently employed in a non-medical setting.

13. 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, Charity L. Ruh, L.P.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.

3. As a result of the above conduct, Charity L. Ruh, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

### ORDER

1. The attached Stipulation is accepted.

2. Respondent Charity L. Ruh, L.P.N., is REPRIMANDED.

3. The practical nursing license issued to Charity L. Ruh, L.P.N., (license number 313515-31) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- a. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo a fitness to practice evaluation with a pre-approved psychiatrist or psychologist experienced in evaluating health practitioners' fitness for duty:
  - i. The provider performing the evaluation must not have treated Respondent and shall have been approved by the Board or its designee, with the opportunity for the Division of Legal Services and Compliance to make its recommendation, prior to the evaluation being performed; and
  - ii. Within fifteen (15) days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with his or her ability to practice safely and, if so, shall provide any recommended limitations for safe practice.
- b. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the health care provider.
- c. 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 final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.

- d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- e. Respondent shall comply with any and all reasonable requests by the evaluator for purposes of scheduling and completing the evaluation, including additional testing the examiner deems helpful. Any lack of reasonable and timely cooperation, as determined by the examiner, may constitute a violation of an order of the Board.
- g. Respondent is responsible for timely payment of the costs of the examination. Payment shall be made directly to the evaluator.
- h. Respondent must provide proof sufficient to convince the Board that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- i. If the Board determines that Respondent is fit to practice, the Board may nonetheless limit Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the assessment, including, but not limited to:
  - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board by the therapist.
  - ii. Additional professional education in any identified areas of deficiency.
  - iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- j. If the Board determines that Respondent is not fit to practice, the Board may suspend Respondent's license until Respondent provides proof sufficient to convince the Board that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner. In the alternative, the Board may limit Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the assessment, including, but not limited to:

- i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
- ii. Additional professional education in any identified areas of deficiency.
- iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

4. The practical nursing license issued to Charity L. Ruh, L.P.N., (license number 313515-31) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is further LIMITED as follows:

- a. Within sixty (60) days from the date of this order, Respondent shall, at her own expense undergo an AODA assessment with a pre-approved treater.
- b. Prior to assessment, Respondent shall provide a copy of this Final Decision and Order to the treater.
- c. Respondent shall provide and keep on file with treater current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
- d. Respondent shall comply with treater's recommendations.

5. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. 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.

6. Within 120 days from the date of this Order, Charity L. Ruh, L.P.N., shall pay COSTS of this matter in the amount of \$300.00.

7. Any requests, documents, petitions 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:

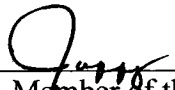
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services

P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

8. 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 undergo a fitness to practice evaluation, fails to timely submit the written report of the evaluation results, fails to provide a copy of this Order to the evaluator, fails to execute releases of information, fails to complete the AODA assessment, fails to comply with the AODA evaluator's recommendations, or fails to timely submit payment of the costs as ordered, Respondent's license (no. 313515-31) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has undergone a fitness to practice evaluation, submitted a written report of the evaluation results, provided a copy of this Order to the evaluator, executed releases of information, completed the AODA assessment, complied with the AODA evaluator's recommendations, complied with payment of costs.

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

WISCONSIN BOARD OF NURSING

by:  Joyce A. New DNP, APNP  
A Member of the Board

10-13-16  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CHARITY L. RUH, L.P.N.,  
RESPONDENT.

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STIPULATION  
**0004967**

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Division of Legal Services and Compliance Case No. 16 NUR 150

Respondent Charity L. Ruh, L.P.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



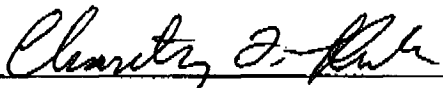
form as attached.


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.

  
 \_\_\_\_\_ Date 9/19/16  
 Charity L. Ruh, L.P.N., Respondent  
 171 18<sup>th</sup> Street North  
 Wisconsin Rapids, WI 54494  
 License no. 313515-31

  
 \_\_\_\_\_ Date 9/19/16  
 Kim M. Kluck, Attorney  
 Department of Safety and Professional Services  
 Division of Legal Services and Compliance  
 P.O. Box 7190  
 Madison WI 53707-7190  
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