

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

PATRICIA W. ADLER, R.N.,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

ORDER 0006832

Division of Legal Services and Compliance Case No. 17 NUR 525

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

Patricia W. Adler, R.N.
Eau Claire, WI 54703

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 Patricia W. Adler, R.N., (DOB xx/xx/1975) is licensed in the state of Wisconsin as a registered nurse, having license number 178767-30, first issued on July 5, 2011, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Eau Claire, Wisconsin 54703.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a clinic (Clinic), located in Eau Claire, Wisconsin.

3. On September 15, 2017, two staff members noticed a bag of pills and empty pill wrappers in a cubby housing Respondent's shoes.

4. The Clinic initiated an investigation.
5. Clinic investigators found the following in Respondent's cubby:
 - a. One (1) clear plastic zip lock bag with three (3) white oblong tablets with L484 printed on them (Tylenol® or ibuprofen).
 - b. One (1) open and empty package for an oxycodone-acetaminophen 5-325 mg tablet.
 - c. One (1) open and empty package for an Oxycontin® 10 mg tablet.
 - d. One clear plastic zip lock bag with one (1) open package for an Oxycontin® 10 mg tablet.
 - e. One (1) open and empty package for an Oxycontin® 20 mg tablet.
 - f. Four (4) open and empty packages for oxycodone 5 mg tablets.
 - g. Two (2) open and empty packages for hydrocodone-acetaminophen 5-325 mg tablets.
6. Clinic investigators also searched Respondent's locker and found the following:
 - a. A loose, empty extra strength acetaminophen 500 mg pack and three (3) white pills of varying shapes and sizes. One looked like Tylenol®, the others were unknown.
 - b. A zip lock bag with 25 Tylenol® tablets was found in Respondent's purse.
 - c. An open and empty Oxycontin® 20 mg pack was found in Respondent's purse.
 - d. An open and empty hydrocodone-acetaminophen 5-325 mg pack with a Tylenol® pill in it.
7. Respondent stated the pills found in her cubby and locker were Tylenol®, which she had for personal use. She stated she put the Tylenol® in the hydrocodone pack to keep it safe.
8. Respondent stated she sometimes kept empty medication packets in her pocket instead of documenting administration right away, and that she may have forgotten to throw away all of the empty packages found in her cubby and locker.
9. Respondent appeared on the "High User Report" from May 2017 to August 2017, meaning she was the nurse that removed the most controlled substances from the Pyxis machine in the department during those months. As a result, her Pyxis pulls were being monitored by her Nursing Supervisor and the Center's Medication Safety Specialist.
10. The drug wrappers found in Respondent's cubby and locker were for the same drugs that she was pulling from Pyxis in high amounts.
11. An audit of Respondent's charting from May 2017 to August 2017 found several occasions where Respondent gave pain medications that were in excess of orders, gave pain medications when not indicated by a requisite pain rating or when no pain rating was documented, and gave pain medications that were otherwise inconsistent with orders.

12. Respondent was terminated from her employment with the Clinic on September 15, 2017.

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, Respondent violated Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety. Actual injury to a patient need not be established.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(d), by committing an error in prescribing, dispensing, or administering medication.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

6. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The registered nurse license issued to Respondent (license number 178767-30) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of charting/documentation, and four (4) hours of education on the topic of medication administration, 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. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- 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 ninety (90) days Respondent shall, at her own expense, undergo and complete an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.

- a. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- b. 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.
- c. 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.
- d. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- e. Respondent shall comply with the evaluator's recommendations.
- f. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

5. Pursuant to the Enhanced Nurse Licensure Compact (Compact), Respondent may not practice in another Compact State, other than Wisconsin, while her license is encumbered by any term or restriction of this Order.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,754.00.

7. Request for approval of courses, proof of successful course completion, acknowledgment and results from the Evaluator, 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://dpsmonitoring.wi.gov>

8. In the event Respondent violates any term of this Order, Respondent's license (178767-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

By: Peter Kallio
A Member of the Board

6/11/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PATRICIA W. ADLER, R.N.,
RESPONDENT.

STIPULATION

ORDER 0006832

Division of Legal Services and Compliance Case No. 17 NUR 525

Respondent Patricia W. Adler, 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.

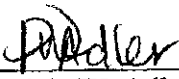
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Patricia W. Adler, R.N., Respondent
Eau Claire, WI 54703
License No. 178767-30

05/12/2020
Date



Carley Peich Kiesling, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

05/19/2020
Date