



6-26-2006

DEPARTMENT OF HEALTH, Petitioner, vs.
PEGGY SUE WILSON, Respondent

Follow this and additional works at: http://trace.tennessee.edu/utk_lawopinions

 Part of the [Administrative Law Commons](#)

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact administrative.procedures@tn.gov

**BEFORE THE COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	
)	
DEPARTMENT OF HEALTH,)	
 Petitioner)	
)	DOCKET NO: 17.38-090000J
v.)	
)	
PEGGY SUE WILSON)	
 Respondent)	

ORDER

This contested administrative matter was heard on June 26, 2006, before James A. Hornsby, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Health in Loudon, Tennessee. Raney Irwin, Assistant General Counsel for the Tennessee Department of Health, was present and represented the State. The Respondent, Peggy Sue Wilson, was present without counsel.

The issue to be decided is whether the Respondent's name should be placed on the Registry of Persons Who Have Abused, Neglected or Misappropriated the Property of Vulnerable Individuals (Registry) as prescribed by Tennessee Code Annotated, §68-11-1001 et seq. After consideration of the record in this matter and the arguments of the parties, it is ORDERED that the Respondent's name BE PLACED on the Department's Registry. This determination is based upon the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. During the time pertinent to this matter, the Respondent was employed as a caregiver at Mountain View Assisted Living (Mountain View) in Loudon, Tennessee.

2. Mountain View provides inpatient nursing care for the elderly and infirm. Caregivers assist patients with their daily living activities, including assisting patients with their medications.

3. The Respondent was a caregiver at Mountain View for approximately 3 1/2 years before the incident of alleged abuse occurred.

4. The allegations concern a male resident/patient at Mountain View approximately 23 years of age. He is diagnosed with chronic inflammatory demyelinating polyneuropathy (IDP), chronic pain, and depressive disorder.

5. The patient's medical condition is a painful one. He has a history of suicide attempts and came to Mountain View from a psychiatric hospital. He takes daily pain medication, and the Respondent, as a part of her duties, has assisted him with his medications.

6. The incident at issue occurred on the evening of May 7, 2006, while the Respondent was off duty. She came to Mountain View and picked up the subject patient to take him out for the evening. It was not unusual for patient/residents to be taken away from the nursing home by friends or relatives, and the Respondent did tell a caregiver on duty at the time that she was taking the subject patient out in her car.

7. The problem is that she and the subject patient both consumed alcohol. In addition, the patient stayed out too late. They were out at 2:00 a.m. the next morning,

May 8, 2006, and were stopped in a parking lot, in an argument, when the police arrived to investigate the situation.

8. The police officers who testified at the hearing said that there was a strong odor of alcohol in the vehicle, that the Respondent was uncooperative and failed sobriety tests, and that her eyes were “pinpointed as though she was using prescription drugs.” Respondent was arrested for DUI, and a search of the vehicle revealed five white pills and marijuana residue in the subject patient’s backpack.

9. The subject patient “could not hold his head up” and stated that he was going to kill himself. The police mobile crisis unit was called and the subject patient was taken to a psychiatric hospital.

10. The Respondent was charged with DUI, Possession of Drug Paraphernalia, Possession of a Legend Drug, and Felony Child Endangerment, because her 13 year old daughter was in the vehicle. Through an agreement with the district attorney, she pled guilty to DUI and served 14 days in jail.

11. She was terminated from her employment with Mountain View effective May 16, 2005, for endangering the safety and welfare of the subject patient.

CONCLUSIONS OF LAW

1. Tennessee Code Annotated §68-11-1001(a), provides that, “The Department of Health shall establish and maintain a registry containing the names of any persons who have been determined to have abused, neglected, or misappropriated the property of vulnerable individuals.”

2. “Abuse or neglect” is defined in T.C.A. §71-6-102(1) as “the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services which are necessary to maintain that person’s health or welfare.”

3. It is the State’s burden to prove by a preponderance of the evidence that the Respondent abused or neglected the patient involved, and it is DETERMINED that the State has carried that burden. The Respondent knew or should have know that the subject patient has significant mental and physical problems and that placing him in a situation where he had access to alcohol and non-prescribed drugs would be a danger to him and detrimental to his health. It is fortunate that the situation did not turn into an even more tragic event.

4. Therefore, it is ORDERED that the Respondent’s name BE PLACED on the Department’s Abuse Registry.

This Initial Order entered and effective this 19th day of July 2006.

James A. Hornsby
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 19th day of July 2006.

Charles C. Sullivan II, Director
Administrative Procedures Division

