

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**State Of Wisconsin**

**Before The Wisconsin Board Of Nursing**

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In The Matter Of Disciplinary Proceedings Against

SYLVIA D. GALLEGOS, L.P.N.

FINAL DECISION AND ORDER

Respondent.

Case 0001073NUR

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Division of Enforcement Case # 98 NUR 128

The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

*Sylvia D. Gallegos, L.P.N.  
281 Shannon Court #3  
Plover WI 54467*

*Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935*

The Wisconsin Board of Nursing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Sylvia D. Gallegos, L.P.N., personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Board of Nursing makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Sylvia D. Gallegos, L.P.N., was born on October 17, 1974. Ms. Gallegos' latest address on file with the Department of Regulation and Licensing is 281 Shannon Court, #3, Plover, WI 54467.
2. Ms. Gallegos is licensed to practice in the state of Wisconsin as a licensed practical nurse pursuant to license # 33883, which was first granted on October 28, 1996.
3. In May 1998, Ms. Gallegos was on the staff of River Pines Center, Stevens Point, Wisconsin.
4. In May 1998, patient VS was a resident of River Pines Center. Physician orders for the care of VS prescribed 350cc of Jevity through the PEG tube bolus over one to two hours, followed by 150 cc of water. Nursing staff was to administer the Jevity every six hours.
5. On May 21, 1998, Ms. Gallegos worked from 6:26 a.m. through 3:15 p.m. at River Pines. VS was one of the residents assigned to Ms. Gallegos.
6. At 10:30 a.m. on May 21, 1998, Ms. Gallegos hung the Jevity scheduled to be administered to VS at 7:00 a.m. Three hours later, the Jevity was still infusing, and no flush had been done.

**CONCLUSIONS OF LAW**

1. The Board of Nursing has jurisdiction in this matter pursuant to § 441.07 (1), Stats.
2. The Board of Nursing has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Wis. Adm. Code § N 7.03 (1) (c) provides that negligence includes failing to execute a medical order unless the order is inappropriate and the licensee reports the inappropriate order to a nursing supervisor or other appropriate person.
4. Hanging the feeding for VS more than three hours after the feeding was scheduled and permitting the feeding to infuse for more than three hours when the physician order specified not more than two hours constitutes failing to execute a medical order.
5. Ms. Gallegos' actions were therefore negligent and violated Wis. Adm. Code § N 7.03 (1) (c).

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

1. The nursing license of Sylvia D. Gallegos is hereby LIMITED.
2. Ms. Gallegos shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$200 toward the costs of the investigation, pursuant to § 440.22, Stats.
3. Ms. Gallegos shall, within twelve (12) months of the date of this order, submit documentation acceptable to the Board showing successful completion of continuing education in the following areas:
  - A. Medication Administration(including tube feedings),4 hours; and
  - B. Nursing Ethics, 4 hours.
- I. Ms. Gallegos shall obtain pre-approval of one or more courses from the Board or its designated agent before takes the course(s) in fulfillment of this requirement.
- II. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P. O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-1805

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Board of Nursing for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

By:

Ann Brewer, RN

January 7

A Member of the Board

Date