

# 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

BARBARA JO PATON, R.N.,

FINAL DECISION AND ORDER

Respondent

LS00110312NUR

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

Barbara Jo Paton, R.N.

714 Shoreland Drive

Racine, WI 53402

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 Barbara Jo Paton, R.N., personally and by her attorney, Eugene Gasiorkiewicz, 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. Barbara Jo Paton, R.N., was born July 16, 1955. Ms. Paton's latest address on file with the Department of Regulation and Licensing is 714 Shoreland Drive, Racine, WI 53402.
2. Ms. Paton is licensed to practice in the state of Wisconsin as a registered nurse pursuant to license #129169, which was first granted on April 3, 1998.
3. On May 29, 1999, at approximately 11AM, resident MS at the Becker-Shoop Center, Racine, had dried blood visible in the external ear and at the ear canal. Martha Aslakson, GN, requested Wilma Peterson, RN, to assess the patient's ear. Ms. Peterson noted black to red blood in the left ear; the blood appeared to be clotted and coming from the ear canal. Ms. Peterson stated that they would do an assessment, neuro check, blood pressure, and so on.
4. About that time, Ms. Paton came upon the situation. She took a 10 cc syringe and filled it with tap water, then irrigated the patient's ear. She repeated the process approximately 10 times. Substances, including pieces of light brown, gray and off-white matter, started coming out of the ear. Martha Aslakson held a flashlight for Ms. Paton during part of the irrigation.
5. There was not a doctor's order to irrigate the patient's ear, and Ms. Paton did not consult with the patient's physician to obtain such an order prior to her actions.

6. According to Ms. Aslakson and Ms. Peterson, Ms. Paton did not fully assess the patient's condition prior to taking action to irrigate the patient's ear.

### **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 6.03 (1) provides that an R.N. shall utilize the nursing process in the execution of general nursing procedures, and that the nursing process consists of each of the steps of assessment, planning, intervention and evaluation.
4. Wis. Adm. Code § N 6.03 (2) (a) provides that in the performance of delegated medical acts, an R.N. shall accept only those delegated medical acts for which there are protocols or written or oral orders.
5. Wis. Adm. Code § N 6.03 (2) (c) specifies that an R.N. shall consult with a physician in cases where the R.N. knows or should know a delegated medical act may harm a patient.
6. By irrigating the ear of patient MS without completing a full assessment and consulting the patient's physician to obtain an order, Ms. Paton violated the standards of practice set forth in Wis. Adm. Code § N 6.03.
7. Wis. Adm. Code § N 6.05 states that a violation of the standards of practice may result in the board limiting, suspending, or revoking a license.

### **ORDER**

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

IT IS FURTHER ORDERED that:

1. The nursing license of Barbara Jo Paton is hereby LIMITED to require completion of the continuing education listed in paragraph 3 below.
2. Ms. Paton shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$100 toward the costs of the investigation, pursuant to § 440.22, Stats.
3. Ms. Paton shall, within six (6) months of the date of this order, submit documentation acceptable to the Board showing successful completion of the following continuing education:
  - A. Ethics And Legal Issues For The Registered Nurse, 8 hours; and
  - B. Neurological Assessment, 4 hours.
4. Ms. Paton 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.
5. If Ms. Paton fails to complete the continuing education required by paragraph 3 above within the specified six-month time period, her license shall be SUSPENDED until she satisfactorily completes the continuing education.
6. Ms. Paton shall arrange for each of her employers to submit quarterly work reports to the Department Monitor for a period of one year after the effective date of this order.
7. 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) 261-7938

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

11-03-00

A Member of the Board

Date