

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
BARBARA A. FINGER, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS0701254NUR

Division of Enforcement Case # 04 NUR 043, O4 NUR 165

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

Barbara A. Finger, R.N.
8305 N. Rangeline Road
Oconto, WI 54153

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Barbara A. Finger, R.N., (DOB 04/26/1956) is duly licensed as a registered nurse in the state of Wisconsin (license # 30-136236). This license was first granted on August 22, 2000.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 8305 N. Rangeline Road, Oconto, Wisconsin.
3. In 2004, Respondent worked as a registered nurse at Whispering Oaks Care Center in Peshtigo, Wisconsin.
4. On or about February 10, 2004, a med tech allegedly reported to Respondent that a resident, E.A., had refused his medications and was verbalizing a wish to die. Respondent confirmed the refusal of meds and states that E.A. did not indicate a wish to die to her. There was no further follow up and Respondent did not chart either the medication refusal or the reported wish to die until her omission was pointed out to her. At that point, within 24 hours of the occurrence, she

charted a late entry at the request of her supervisor. Respondent denies that it was ever reported to her that the resident expressed a wish to die.

5. On or about February 10, 2004, Respondent gave insulin injections after 6:00 p.m.. Insulin injections were due at 4:30 p.m. and were to be given no later than 5:00 p.m. No medication error sheet was completed.

6. On or about February 10, 2004, resident C.A.'s insulin injection was given while C.A. was sitting at a dining room table with two male residents present. The injection was given in her abdomen and her shirt was raised in order to give the injection. Respondent states that the two male residents were not near C.A. or able to see where the injection was given.

7. On or about February 10, 2004, Respondent left two filled insulin syringes on the table in the resident dining room, with three patients with dementia sitting at the table, while Respondent went to the nurses station to get gloves. Respondent states that the nurses station was approximately 15 feet away from the table, the syringes were in view at all times, and a nursing assistant was also present in the dining room. She also states that the three patients did not make an attempt to touch the syringes.

8. On or about February 10, 2004, certified nursing assistants reported to Respondent that resident M.G. was swearing, pinching, and attempting to bite. Respondent commented that she was aware that M.G. had behavior issues but had not heard about him biting before. Respondent did not chart any behaviors during that shift and in fact initialed a behavior management log that stated that M.G. had not exhibited any behaviors that night. Respondent charted a late entry regarding these behaviors, within 24 hours of the occurrence, after her omission was pointed out to her and she was requested to make such entry.

9. On or about February 11, 2004, Respondent was providing a tube feeding to resident W.Z. W.Z became agitated and was grunting and pulling at things. Respondent allegedly told W.Z. "No!" several times, loud enough that she was heard in neighboring rooms. Respondent also discussed W.Z.'s cognitive function in an inappropriate manner, speaking of him in the third person as if he were not there.

10. In April of 2004, Respondent allegedly administered insulin without completing a blood sugar test and without ensuring the resident had food within the appropriate time frame. Respondent denies this allegation, but the allegation is supported by the medical record.

11. In May of 2004, Respondent was found setting out medications approximately two hours prior to the scheduled administration of the medications (and before Respondent clocked in for her shift). Respondent claimed that she was setting out the medication "to soften" to make for easier digestion. No medications need to soften for any reason. Respondent also had several medication bottles out on top of her medication cart.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 - 11 above constitutes a violation of Wisconsin Administrative Code § N 7.03(1) and Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED :

1. The license of Barbara Finger, R.N. to practice as a nurse in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nursing Compact, is LIMITED as follows:

(a) For no less than two years from the date of this Order:

- (1) Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
- (2) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- (3) It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
- (4) Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

(b) Within ninety days of the date of this order, Respondent shall provide satisfactory proof of completion of six (6) hours of continuing education in time management, and six (6) hours of continuing education in stress management. Courses taken in satisfaction of this requirement must be pre-approved by the Board.

(c) Pursuant to Uniform Nursing Licensure Compact Regulation No. 3, Respondent's nursing practice is limited to Wisconsin during the pendency of this Order and any subsequent related orders. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and of the regulatory board in the state in which Respondent proposes to practice.

(d) After two years from the date of this order, Respondent may move the board to remove the limitation on her license. The board will remove the limitation if Respondent has had no further incidents of concern. If there have been incidents of concern, then the limitation will continue until such time as the board believes that Respondent can practice nursing safely with no limitations.

2. Respondent shall, within one year from the date of this Order, pay costs of this proceeding in the amount of One Thousand, Eight Hundred Dollars (\$1,800). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. 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 pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license (#30-136236) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann

A Member of the Board

1/25/07

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
BARBARA A. FINGER, : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 04 NUR 043, 04 NUR 165

Barbara A. Finger, R.N., personally and by her attorneys Brian D. Hamill of Dempsey, Williamson, Young, Kelly & Hertel, LLP and Amy Lynn Jerdee of Reinhart Boerner Van Deuren, S.C.; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of two pending investigations of Respondent's licensure by the Division of Enforcement (case nos. 04 NUR 043 and 04 NUR 165). Respondent consents to the resolution of these investigations by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Barbara A. Finger, R.N.
8305 N. Rangeline Road
Oconto, WI 54153

Date

Brian D. Hamill
Attorney for Barbara A. Finger, R.N.
Dempsey Williamson Young Kelly & Hertel, LLP
P.O. Box 886
Oshkosh, WI 54903

Date

Amy Lynn Jerdee
Attorney for Barbara A. Finger, R.N.
Reinhart Boerner Van Deuren, S.C.
P.O. Box 2965
Milwaukee, WI 53201-2965

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date