

# 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](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF THE LICENSE OF :  
 :  
BARBARA A. FREI, L.P.N. : FINAL DECISION AND ORDER  
 : FOR REMEDIAL EDUCATION  
 : LS0703012NUR

---

[Division of Enforcement Case No. 04 NUR 388]

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

Barbara A. Frei, L.P.N.  
N35388 Cty Road D  
Whitehall, WI 54773

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

Wisconsin Board of Nursing  
Department of Regulation and 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 Wisconsin 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. Frei, L.P.N., Licensee, date of birth April 5, 1982, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 304015, which was first granted November 19, 2002.

2. Licensee's last address reported to the Department of Regulation and Licensing is N35388 Cty Road D, Whitehall, WI 54773.

3. Licensee was employed as a licensed practical nurse at Franciscan Skemp Healthcare-Arcadia Campus, a nursing home in Arcadia, Wisconsin. In that employment, Licensee provided nursing care to Ms. A, a 92-year-old resident of the nursing home

4. On November 19, 2004, Licensee received a telephone order from Ms. A's physician to discontinue Ms. A's magnesium and to have the BMP (Basic Metabolic Profile) and magnesium level checked in a month. Licensee took down the order correctly on the Physician's Telephone Orders form, noted it correctly in the Nurses Progress Notes, and correctly completed a lab slip to check the magnesium and sent it to the lab.

5. One of the procedures for discontinuing an order was to highlight the original order in yellow on the Physician

Order Sheet. Rather than highlighting the magnesium order, Licensee erroneously highlighted the Klor-Con (potassium) order which was just below the magnesium order. Licensee also erroneously discontinued the Klor-Con (potassium) order on the MAR (Medication Administration Record).

6. As a result, Ms. A did not receive the potassium until the error was discovered 12 days later on December 1, 2004. Ms. A was receiving both Lasix and Zaroxolyn, diuretics which can cause the loss of potassium. Following discovery of the error, Ms. A's physician ordered that the potassium be restarted and that a BMP be done on December 2, 2004 to determine the level of potassium ions in Ms. A's blood.

7. On December 2, 2004, the results of the BMP showed Ms. A's potassium level to be 2.3 [normal range: 3.6-5.2] and Ms. A was admitted to the Franciscan Skemp Healthcare-Arcadia Campus Hospital, given potassium IV and placed on telemetry. Ms. A was discharged back to the nursing home on December 4, with no apparent harm done.

8. This is the only complaint about Licensee's practice ever received by the Board or the Department in the 4 years Respondent has been licensed and practicing in Wisconsin.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07.
2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Within 90 days of the date of this Order, Licensee shall provide proof sufficient to the Board, or its designee, of Licensee's satisfactory completion of a total of three (3) hours of continuing education in preventing medication errors, which course(s) shall first be approved by the Board, or its designee.
2. Licensee shall, within 30 days of completion of this educational requirement, file a statement with the Board of Nursing that she has attended in its entirety each program approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization(s).
3. Licensee is responsible for paying the costs of attending any educational program.
4. Licensee shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$325.00.
5. Any requests for approval, statements, proof of completion and payments shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, Wisconsin 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
department.monitor@drl.state.wi.us

6. In the event Licensee fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Licensee's license SHALL BE SUSPENDED, without further notice or hearing, until Licensee has complied with

the terms of this Order. The Board or its designee shall remove the suspension, if provided with sufficient information that Licensee is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufman  
A Member of the Board

3/1/07  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF THE LICENSE OF :  
 :  
 :  
 BARBARA A. FREI, L.P.N. : STIPULATION  
 :  
 : LS \_\_\_\_\_ NUR

---

[Division of Enforcement Case No. 04 NUR 388]

It is hereby stipulated and agreed, by and between Barbara A. Frei, L.P.N., Licensee; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Licensee by the Division of Enforcement (file 04 NUR 388). Licensee consents to the resolution of this matter by stipulation and without a hearing.

2. Licensee 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. Licensee has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order by the Board. The parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee 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 ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Licensee or her attorney, if any, 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 case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

---

Barbara A. Frei, L.P.N.

---

Date

Licensee  
N35388 Cty Road D  
Whitehall, WI 54773

---

John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

---

Date