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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
JULIE M. DUBOIS, R.N., :
RESPONDENT. : LS-0705031-NUR

04 NUR 159

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

Julie M. DuBois, R.N.
415 2nd Street
Neenah, WI 54956

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

Board of Nursing
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A Complaint was filed in this proceeding on May 3, 2007. Administrative Law Judge Peggy Wichmann scheduled an evidentiary hearing for December 17, 2007. 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. Julie M. DuBois, R.N., was born November 14, 1960, and is duly licensed as a professional nurse in the State of Wisconsin license # 120360, which was originally granted on July 15, 1995.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 415 2nd Street, Neenah, Wisconsin, 54956.
3. Respondent was a registered nurse working for the Department of Corrections at Oshkosh Correctional Institution in the Health Service Unit ("HSU").
4. Inmate DD is a male, born on March 29, 1980. On November 11, 2003, Inmate DD had a seizure. Respondent assessed Inmate DD in his housing unit following the seizure. Inmate DD complained of pain, blurred vision, had an abnormally high pulse, and required two people to assist him back to bed. Respondent found that he had bruised the back of his head and that his back was painful.
5. Inmate DD did not want to be placed in the Health Services Unit for medical monitoring. As Respondent was leaving the housing unit after assessing Inmate DD, the Captain of the guard asked Respondent to come back to the housing unit later and see Inmate DD for a follow-up assessment; Respondent agreed that she would do so. There was no institutional policy requirement that Respondent do a follow-up assessment.
6. When a correctional officer on duty at the housing unit later contacted Respondent asking about Inmate DD's condition, the Respondent said that Inmate DD had been wheeled down to HSU, that he had been given a heating pad, medication, and that he was fine. In fact, Inmate DD never left the housing unit and the Respondent had not seen Inmate DD for a follow-up assessment. Respondent contacted the physician on call, who ordered a medication, bed rest, a heating pad and follow-up with him the next day.

7. Inmate J.C. is a male, born on October 20, 1977, who has asthma. Towards the end of Respondent's shift on November 18, 2003 Inmate JC complained to a correctional officer that he was having difficulty breathing and that his inhaler was empty. The correctional officer reported this to Respondent.

8. Respondent refused to give Inmate JC another inhaler because Inmate JC had only been issued the inhaler a week earlier and that the inhaler was supposed to last a month. Inmate J.C. protested that he had a cold which made breathing more difficult than usual, and led to greater use of his inhaler.

9. Two times, in separate telephone conversations, the correctional officer asked Respondent to bring an inhaler and assess Inmate JC, but Respondent refused to come and assess Inmate JC both times.

10. Respondent did not offer Inmate J.C. any alternative treatment, nor did she inquire of the officer if any alternative treatment was available to Inmate J.C.

11. After Respondent's shift was over, the correctional officer contacted the on-call nurse on duty during the next shift and obtained authorization for a refill of Inmate JC's inhaler.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stats sec. 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats sec. 227.44(5).

2. Respondent's failure to reassess the patient's condition after the patient experienced a seizure as described in paragraph 4, above, constitutes a violation of Wis. Stats sec. 441.07(1)(d) and Wis. Adm. Code sec. N 7.03(1)(c).

3. Respondent's failure to assess and treat a patient with a known asthma condition as described in paragraphs 7 - 11, above, is a violation of Wis. Stats sec. 441.07(1)(d) and Wis. Adm. Code sec. N 7.03(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

SUSPENSION

A.1. The license of Julie M. DuBois, R.N. to practice nursing in the State of Wisconsin and her privilege to practice pursuant to the Multi-State Nursing Compact is **SUSPENDED** for an indefinite period.

A.2. Respondent shall mail or physically deliver all indicia of nursing licensure to the Department Monitor within 14 days of the effective date of this Order.

A.3. Upon a showing by Respondent of continuous, successful for compliance for a period of at least two (2) years with the terms of this Order, including at least 600 hours of active nursing for every year the suspension is stayed, the Board may grant a petition by the Respondent for the return of full licensure.

A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

STAY OF SUSPENSION

B.1. The suspension is hereby stayed.

B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provisions or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.

B.3. This suspension becomes reinstated immediately upon notice of removal of the stay being provided to Respondent either by:

(a) Mailing to Respondent's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. §440.11; or

(b) Actual notice to Respondent or Respondent's attorney.

B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held within 60 days of receipt of Respondent's request for a hearing, unless Respondent waives this time limit. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

The license of Julie DuBois, R.N., to practice nursing in the State of Wisconsin, and her privilege to practice pursuant to the

Multi-State Nursing Compact, is LIMITED as follows:

Practice Limitations

C.1. For a period of at least two (2) years from the date of this Order, Respondent shall practice only under the direct supervision of a licensed registered 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.

a. Notwithstanding paragraph C.1., above, Respondent may continue working in her current home health care nursing employment for Patient C.S., a male born on September 16, 2005, provided that Respondent's supervisor, a Registered Nurse who is the Case Manager for the patient, personally and directly supervises Respondent during a portion of two of every four shifts Respondent works doing home care for Patient C.S.

C.2. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to all supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.

Required Reporting by Respondent

C.3. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of his employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.

C.4. If any of the quarterly reports from Respondent's nursing employer indicate that Respondent is not meeting minimal standards, the stay of the Suspension will be removed.

C.5. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

Required Continuing Education

C.6. Respondent, at her own expense, shall complete a minimum of three (3) hours of pre-approved continuing education in the assessment and treatment of neurological conditions within six months of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain Board approval within the six month day time frame, taking into account the Board's meeting schedule.

C.7. Respondent, at her own expense, shall complete a minimum of six (6) hours of pre-approved continuing education in the assessment and treatment of respiratory conditions within six months of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain Board approval within the six month time frame, taking into account the Board's meeting schedule.

C.8. Respondent, at her own expense, shall complete a minimum of three (3) hours of pre-approved continuing education in nursing documentation within six months of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain Board approval within the six month time frame, taking into account the Board's meeting schedule.

C.9. Any requests, petitions, reports, and other information required by this Order shall be mailed, emailed, faxed or delivered 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

COSTS

- D.1. Respondent shall, within one hundred eighty (180) days from the date of this Order, pay costs of this proceeding in the amount of TWO THOUSAND NINE HUNDRED TEN Dollars (\$2,910.00). Payment may be made in three equal installments and shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the above address.
- D.2. In the event Respondent violates the terms of this Order, including but not limited to failing to pay costs as ordered, failing to comply with the ordered continuing education, or failing to comply with any limitations on her license, the Respondent's license (#30-120360) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
- D.3. This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 13th day of December, 2007.

Marilyn A. Kaufmann, R.N.
Chairperson
Board of Nursing