

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
JAYNE E. EMMERICH, R.N., :
 : LS0706212NUR
RESPONDENT. :

06 NUR 113

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

Jayne E. Emmerich, R.N.
1001 N. Shattuck Street
Medford, WI 54451

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

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. Jayne E. Emmerich, R.N., was born May 2, 1963, and is duly licensed as a professional nurse in the State of Wisconsin license # 89095, which was originally granted on August 21, 1984.
2. Respondent's most recent address on file with the Department of Regulation & Licensing is 1001 N. Shattuck Street, Medford, Wisconsin 54451.
3. On July 15, 1988 the Board of Nursing disciplined Respondent in case # 87 NUR 020. The Board found that from January 6, 1987 through January 16, 1987, on an unknown number of occasions, Respondent failed to administer medications and nourishments to patients as scheduled or in some instances failed to administer them at all. Respondent's nursing license was Suspended for 60 days, and she was required to take a refresher course for registered nurses at the Chippewa Valley Technical College.
4. On March 10, 2006, Respondent made a number of medication errors while she was a registered nurse working at Clark County Health Care Center in Owen, Wisconsin.
5. Respondent failed to administer the 4:00 p.m. medications to residents of 2 East.
6. Respondent failed to properly administer nebulizer treatments to residents of 2 East. Respondent used whatever nebulizer mask was attached to the machine instead of using a new mask for each new resident.
7. Respondent failed to timely reorder medication (Neurontin) for resident DT necessitating special delivery from the pharmacy.
8. Respondent on two separate occasions signed out the liquid narcotic Oxydose medication for resident RK, but Respondent did not administer the medication to resident RK, and in fact, never even opened the bottle. The MAR and proof of use sheet showed that the medications had been administered to resident RK, when, in fact they had not.

9. Resident EP complained that he did not receive his inhaler treatment on March 10 at 16:00.

10. Respondent failed to administer Baclofen to resident DT at 18:00. Respondent reported to an oncoming nurse that all medications had been given. In fact, the oncoming nurse later discovered that the medication had not been given, and was still in the blister pack. The oncoming nurse administered the medication to resident DT at 22:00.

11. Respondent failed to administer Remeron to resident RW at 19:00, it was signed as given on the MAR, but the medication was still in the blister pack.

CONCLUSIONS OF LAW

A. 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).

B. Respondent's failure to execute a medical order by failing to administer medications as described in paragraphs 5, 6, 8, 9, 10, and 11, above, was unprofessional conduct contrary to Wis. Stats sec. 441.07(1)(d) and Wis. Adm. Code secs. N 7.03(1)(b) and (d).

C. Respondent's failure to properly administer nebulizer treatments to residents as described in paragraphs 6, and 9, above, was unprofessional conduct contrary to Wis. Stats sec. 441.07(1)(d) and Wis. Adm. Code secs. N 7.03(1)(b) and (d).

D. Respondent's falsification of patient medical records as described in paragraphs 8, 10, and 11, above, was unprofessional conduct contrary to Wis. Stats sec. 441.07(1)(d) and Wis. Adm. Code sec. N 7.04(6).

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 Jayne E. Emmerich, 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 in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by the Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

The license of Jayne E. Emmerich, 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 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.

C.2. Respondent shall not work more than 40 hours per week or more than 40 hours in any seven day period. Respondent shall not work more than one 12 hour shift in any 24 hour period.

C.3. 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.4. 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 her 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.5. If any of the quarterly reports from Respondent's nursing employer indicate that Respondent is not meeting minimal standards, then the stay of the Suspension will be revoked.

C.6. 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.7. Respondent, at her own expense, shall complete a minimum of eight hours of pre-approved continuing education in medication administration **and** eight hours of pre-approved continuing education in professional accountability 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. 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
Department.monitor@drl.state.wi.us

COSTS

D.1. Respondent shall, within one year from the date of this Order, pay costs of this proceeding in the amount of ONE THOUSAND FOUR HUNDRED Dollars (\$1,400.00). Payment 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 his license, the Respondent's license (#30-89095) 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 21st day of June, 2007.

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