

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 :

SUSAN D. JOHNSON, RN,
RESPONDENT.

:
:
:
:

FINAL DECISION AND ORDER
LS0708304NUR

Division of Enforcement Case # 03NUR325; 07NUR038

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

Susan D. Johnson, RN
8458 Hwy HH
Kewaskum, WI 53040

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 & 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. Susan D. Johnson, RN, date of birth 3/12/60, is duly licensed as a registered nurse in the state of Wisconsin, license #98145. This license was first granted on 9/4/87.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 8458 Hwy. HH, Kewaskum, Wisconsin, 53040.

COUNT I

3. At all times relevant to this action, Respondent was working as a registered nurse at the St. Joseph's Community Hospital of West Bend in West Bend, Wisconsin.
4. E.H., the patient herein, was admitted to the hospital on 11/12/03 with a history of progressive small cell carcinoma of the lung and pneumonia. The patient was admitted as a "no code". At the time of admission, he showed radiographic evidence of worsening diffuse infiltrating pneumonitis, bilaterally. The patient's physician ordered antibiotics to treat the pneumonia. He also ordered that the patient be administered supplemental oxygen pursuant to the oxygen protocol to maintain oxygen saturations at greater than 90% and that the physician be notified if the oxygen saturations could not be maintained above 90%.
5. While the patient was on the oxygen protocol from 11/12/03 through 0645 on 11/14/03, his oxygen saturations remained in the range of 88% to 95%. On 11/14/03, the patient's oxygen saturations began to deteriorate with an oxygen saturation at 1433 on 11/14/03 of 79%. The respiratory therapy department increased the patient's supplemental oxygen from 3 LPM to 4 LPM. At 2145 on 11/14/03, the patient's oxygen saturations dropped to 65% on 6 LPM of oxygen delivered by nasal cannula and the respiratory therapy department increased his supplemental oxygen to 10 LPM delivered by a non-rebreather mask resulting in an oxygen saturation at 2210 of 83%. The patient's vital signs had also demonstrated a significant change in the patient's status from 2000 to 2300 with an increase in the blood pressure from 132/70 to 160/70 and an increase in the heart rate from 104 to 120. The patient was found with no blood pressure, heart rate or respirations at 0205 on 11/15/03. These changes in the patient's vital signs and the continuing deterioration in the patient's respiratory status represented significant changes in the patient's status.
6. The Respondent was responsible for providing nursing care for the patient from 1500 on 11/14/03 through 0205 on 11/15/03. Respondent assumed that the respiratory care department was monitoring the patient's condition and providing the care for the patient. The Respondent did not adequately monitor the patient's condition and did not report the significant changes in the patient's respiratory status and vital signs to the patient's physician.

COUNT II

7. At all times relevant to this action, Respondent was working as a registered nurse at Heartland Home Health Care and Hospice, 13255 West Blue Mound Road, Brookfield, Wisconsin.
8. P.S., the patient herein, was 22 years of age and was a quadriplegic as the result of a spinal cord injury. He was living at his parent's home. Respondent was assigned as the patient's case manager and had responsibility to provide nursing care for the patient and to coordinate health care for the patient.
9. Respondent's initial contact with the patient and nursing evaluation of the patient was on 11/27/06. A home health care aide caring for the patient and the patient's mother observed a reddened area and what appeared to be a small blister on the patient's buttock on this date. Respondent did not chart or note any skin problems.
10. Respondent saw the patient on 11/29/06. She documented in the patient's chart reddened areas on the patient's ischial prominences which she classified as a stage I decubitus based on representations made to her by the patient's mother but she did not examine or otherwise evaluate the areas. Respondent counseled the patient and his mother on repositioning, diet and fluid intake to prevent skin breakdowns. The patient was seen later that day and examined by a nurse practitioner at the Froedert Wound Clinic who observed a 7.0 cm. open area on the patient's right buttock and a 3.0 cm. area on the patient's left buttock. The nurse practitioner classified the areas as stage I. Respondent was aware that the patient was receiving care at the Froedert Wound Clinic but did not communicate with the Wound Clinic regarding continuing treatment for the patient.
11. Respondent saw the patient on 12/8/06. The Respondent charted that the patient's mother reported that the nurse practitioner at the Froedert Wound Clinic had put replicare on the patient's pressure ulcers at the patient's last visit to the Froedert Wound Clinic but the Respondent did not observe the dressings or the wounds on 12/8/06 and did not contact the Froedert Wound Clinic to follow up on the wound care to be provided.
12. Respondent saw the patient on 12/22/06. Respondent noted in the patient's records that the pressure ulcers were being followed at the Froedert Wound Clinic but she did not examine the ulcers or make any contacts with the Froedert Wound Clinic regarding continuing care of the ulcers.
13. The patient saw a physician at the Froedert Wound Clinic on 12/28/07. The physician noted the area on the right buttock measuring 3.5 cm. by 3.0 cm. with necrotic tissue present. The necrotic tissue was debrided revealing a stage III ulcer. The ulcer was treated with Accuzyme. The patient was seen again in the Froedert Wound Clinic on 1/11/07. The necrotic tissue was debrided to reveal a stage IV ulcer. The nurse practitioner ordered treatment with Accuzyme and gauze packing twice daily. This order was transmitted to Heartland Home Health Care and Hospice on 1/11/07.
14. The Respondent saw the patient on 1/15/07 at which time she assessed the ulcers on the patient's left buttock and right buttock. Respondent noted that the 0.2 cm. by 0.2 cm. area on the left buttock with copious amounts of purulent bloody drainage. The Respondent noted some necrotic tissue associated with the ulcer on the patient's right buttock with some bleeding. Respondent cleansed the wounds and treated them as ordered.
15. The Respondent in providing nursing care as the patient's case manager from 11/27/06 to 1/15/07 failed to adequately assess and monitor the status of the decubitus ulcers on the patient's buttock, record the condition of the decubitus ulcers and report changes in the condition of the decubitus ulcers to the appropriate persons.
16. The Respondent has tendered the voluntary surrender of her license to practice as a registered professional nurse in the state of Wisconsin, license #98145.

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 3 through 6, above, constitutes a violation of Wis. Admin. Code § N 7.03(1)(c) in that Susan D. Johnson, RN failed to observe the condition, signs and symptoms of the patient and report significant changes to the appropriate person.

3. The conduct described in paragraphs 7 through 15, above, constitutes a violation of Wis. Admin. Code § N 7.03(1)(c) in that Susan D. Johnson, RN failed to observe the condition, signs and symptoms of the patient, record the patient's condition, signs and symptoms and report significant changes to the appropriate persons.

4. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Susan D. Johnson.

5. This Final Decision and Order shall not be construed as a Board of Nursing finding of caregiver misconduct, abuse or neglect of a client, or misappropriation of the property of a client within the meaning of Wis. Stat. §§ 48.685 and 50.065.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The voluntary surrender of Susan D. Johnson's license to practice as a registered professional nurse in the state of Wisconsin, license #98145, shall be and hereby is accepted by the Wisconsin Board of Nursing effective on the date of this Final Decision and Order.

IT IS FURTHER ORDERED that:

2. Susan D. Johnson shall not practice or attempt to practice as a registered professional nurse in the state of Wisconsin when not currently licensed in Wisconsin and shall not practice or attempt to practice as a registered professional nurse in the state of Wisconsin under authority of the Nurse Licensure Compact.

3. Susan D. Johnson may make application for a license to practice as a registered professional nurse in the state of Wisconsin at any time in the future and the Wisconsin Board of Nursing may grant the application for the license with the following terms and conditions:

a. Susan D. Johnson, prior to making her application for a license to practice as a registered professional nurse, shall take and satisfactorily complete a formal refresher course of study at an established educational institution in the practice of professional nursing. The refresher course of study shall be pre-approved by the Wisconsin Board of Nursing.

b. Susan D. Johnson, prior to commencing the formal refresher course of study, may petition the Wisconsin Board of Nursing for a limited license limited to nursing practices required of her and engaged in by her as a part of the formal refresher course of study. This limited license shall remain in effect only for the period of time in which Susan D. Johnson is enrolled in and participating in the formal refresher course of study.

c. Susan D. Johnson shall have sole responsibility for making all arrangements to enroll in the formal refresher course of study and shall be solely responsible for paying all costs of attending the formal refresher course of study.

d. Susan D. Johnson, at the time of her application for a license to practice as a registered professional nurse in the state of Wisconsin, shall satisfy all then existing requirements for a license to practice as a registered professional nurse in the state of Wisconsin.

e. The initial license granted in response to Susan D. Johnson's application for a license to practice as a registered professional nurse in the state of Wisconsin shall be a limited license requiring that Susan D. Johnson:

i. Practice for a period of two (2) years under the direct supervision of other licensed registered professional nurses.

ii. Submit to the Wisconsin Board of Nursing work reports prepared by a monitoring registered professional nurse approved and appointed by the Wisconsin Board of Nursing. The work reports prepared by the monitoring registered professional nurse shall be based in part on direct observation of Susan D. Johnson's nursing practices and in part on the review of patient records of patients under Susan D. Johnson's care. The work reports will include assessment of the skill, competence and timeliness with which Susan D. Johnson performs her nursing functions. The work reports will be submitted to the Wisconsin Board of Nursing at least once every 90 days for the full two (2) year period of the limited license.

iii. Be responsible for and pay the costs of executing this monitoring function including the

professional fees of the monitoring registered professional nurse for performing the monitoring function.

iv. Petition the Wisconsin Board of Nursing after the completion of the two (2) year period of monitoring for termination of the limited license and the grant of a full and unrestricted license to practice as a registered professional nurse in the state of Wisconsin. The Wisconsin Board of Nursing shall grant this petition if the work reports demonstrate satisfactory work performance, all of the terms of this Final Decision and Order have been complied with and Susan D. Johnson meets all of the then existing requirements for a license to practice as a registered professional nurse in the state of Wisconsin.

f. All requests for approval of a refresher course of study, work reports and other documents required to be filed with the Board of Nursing will be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone no. (608) 267-3817
Fax (608) 266-2264

IT IS FURTHER ORDERED that:

4. The costs of this matter are \$4,459.96. Susan D. Johnson shall pay these costs in full prior to filing any petition for any license contemplated under the terms of this Final Decision and Order. Payment will 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

5. 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 any license of Susan D. Johnson then in effect. The Wisconsin Board of Nursing, 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.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

8/30/07
Date

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : STIPULATION
SUSAN D. JOHNSON, RN, :
RESPONDENT. : LS# _____

Division of Enforcement Case # 03NUR325; 07NUR038

It is hereby stipulated between Susan D. Johnson, RN, and by her attorney, Gerald P. Boyle; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement, cases 03NUR325 and 07NUR038. Respondent consents to the resolution of this investigation 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 advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin 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 Wisconsin 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 and her attorney in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Susan D. Johnson, RN
8458 Hwy HH
Kewaskum, WI 53040

Date

Gerald P. Boyle
Attorney for Susan D. Johnson, RN
Boyle, Boyle & Boyle, S.C.
2051 West Wisconsin Ave.
Milwaukee, WI 53233

Date

Gilbert C. Lubcke, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Case: 03NUR325; 07NUR038
Costs: \$ 0.00
Forfeiture: \$ 0.00

Date
