

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
MARY J. KARABA, R.N., : LS0708305NUR
RESPONDENT :

04 NUR 60

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

Mary J. Karaba, R.N.
N5728 Woodenware Rd.
Irma, WI 54442

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. Mary J. Karaba, R.N., was born December 1, 1952, and is licensed as a professional nurse in the State of Wisconsin license # 99083, which was originally granted on April 1, 1988.

2. Respondent's most recent address on file with the Department of Regulation and Licensing is N5728 Woodenware Road, Irma, Wisconsin 54442.

3. On January 14, 2004, Respondent was a professional nurse working at the Pine Crest Nursing Home in Merrill, Wisconsin.

4. On January 14, 2004, Respondent was providing care to patient EB, a patient that had been diagnosed with Chronic Obstructive Pulmonary Disease ("COPD"). The physician order was for oxygen at 2-4 liters/minute with oxygen saturations to remain at 88% or higher. In the morning, Respondent took patient EB's oxygen saturation level which was at 79% and she increased the oxygen to 5 liters/minute.

5. Respondent did not notify the physician of patient EB's change in condition when her oxygen saturation level dropped below 85%, nor did she notify the family. Respondent did not take an oxygen saturation reading after she had increased the oxygen to 5 liters/minute.

6. There was no physician order for oxygen at 5 liters/minute. Raising the oxygen to 5 liters/minute was not appropriate due to patient EB's diagnosis of COPD. Oxygen delivered at levels higher than 4 liters/minute can lead to oxygen toxicity and damage to the lungs in people with COPD.

7. During the day shift of January 14, 2004, Respondent did not document any assessment of patient EB or anything concerning patient EB's change in condition in the patient medical record.

8. Respondent did report patient EB's condition in an audio cassette recording for the 24 Hour Report. In this

recording, Respondent said that patient EB's oxygen saturation was 79% in the morning, 83% in the afternoon, and that Respondent had boosted the oxygen level up to 5 liters/minute.

9. The registered nurse who listened to the recorded 24 hour report immediately took patient EB's oxygen saturation reading, which had dropped to 59 – 60%.

10. Patient EB was urgently transferred to the hospital emergency room by ambulance. Patient EB was diagnosed with Pneumonia. Patient EB later died of respiratory problems on January 15, 2004.

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 document in the medical record and failure to notify the patient's attending physician when the patient's oxygen saturation level dropped below 85% as described in paragraphs 4, 6, and 7, above, was unprofessional conduct contrary to Wis. Stats sec. 441.07(1)(d), Wis. Adm. Code secs. N 7.03(1)(b) and (c).

C. Respondent's action of increasing patient's oxygen level without a corresponding physician's order as described in paragraphs 4, 5, and 6, above, was unprofessional conduct contrary to Wis. Stats sec. 441.07(1)(d), Wis. Adm. Code secs. N 7.03(1)(b) and (c) and (d).

ORDER

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

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

1. Mary J. Karaba, R.N. is REPRIMANDED.

2. Respondent shall, within six months from the date of this Order, successfully complete a minimum of four (4) hours of continuing education in the area of the proper diagnosis and treatment of Chronic Obstructive Pulmonary Disease ("COPD") patients.

3. Respondent shall, within six months from the date of this Order, successfully complete a minimum of four (4) hours of continuing education in the area of the proper diagnosis and treatment of asthma patients.

4. Respondent shall, within six months from the date of this Order, successfully complete a minimum of four (4) hours of continuing education in the area of the diagnosis of pneumonia.

5. The Board or its designee must approve all continuing education programs prior to Respondent enrolling in, attending, or completing a continuing education program. Respondent shall send a Certificate of Completion for each continuing education program to the Department Monitor upon successful completion of each continuing education program.

6. Respondent shall, within 180 days from the date of this Order, pay COSTS of this proceeding in the amount of ONE THOUSAND DOLLARS (\$1,000.00) dollars. 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

7. 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 then Respondent's license (# 99083) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

8/30/07
Date