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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
IPHRA G. WIGLEY, L.P.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS# 0901294NUR
 :

Division of Enforcement Case # 05NUR188

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

Iphra G. Wigley
1635 W. Capital Drive
Milwaukee, WI 53206

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. Iphra G. Wigley, L.P.N., the Respondent herein, date of birth 7/22/60, is duly licensed as a licensed practical nurse in the state of Wisconsin, license #29445-31. This license was first granted on 6/23/88.
2. Respondent's most recent residence address on file with the Wisconsin Board of Nursing is 1635 West Capital Drive, Milwaukee, Wisconsin 53206.
3. Respondent at all times relevant to this Complaint was employed as a licensed practical nurse at Christopher East Health And Rehabilitation Center, 1132 East Knapp Street, Milwaukee, Wisconsin.
4. P.H., the patient herein, date of birth 10/12/57, was admitted to Christopher East Health And Rehabilitation Center from Kindred Hospital on 12/16/04. At the time of his admission he weighed 310 pounds and had a tracheostomy tube in place. The patient's diagnoses at the time of admission included obesity hypoventilation syndrome, obstructive sleep apnea syndrome, chronic obstructive pulmonary disease, schizophrenia, diabetes mellitus, hypertension and traumatic blindness of the left eye.
5. On 12/22/04, the patient was admitted to Aurora Sinai Medical Center after the patient developed worsening shortness of breath with decreased oxygen saturations and the staff at Christopher East Health And Rehabilitation Center reported an inability to suction his secretions. During the admission, the tracheostomy tube was cleaned and the small size Jackson tube was replaced with a larger size 6 Shiley. On 12/26/04, the patient was discharged to Christopher East Health And Rehabilitation Center with orders for DuoNeb Inhalation Solution treatments to be administered via his tracheostomy tube every 6 hours for his chronic obstructive pulmonary disease. The physician's orders also required tracheostomy care with suctioning as needed. On 3/1/05, the physician gave an order for Mucinex 600 mg. twice daily to assist with thinning of the mucus.
6. The Respondent was on duty at the Christopher East Health And Rehabilitation Center when the patient returned to the facility on 12/26/04. The Respondent noted the patient's return in the patient's records, verified the new orders for the patient, notified the patient's mother of the patient's current medications and notified the patient's physician of the patient's return to the facility.
7. On 3/18/05, Respondent was the nurse on duty on the unit on which the patient resided.
8. At approximately 4:00 a.m. on 3/18/05, the patient approached the Respondent at the nurses' station and asked her what he had to do to be discharged from the facility. Respondent advised the patient that the physician would have to discharge him and do the necessary paperwork. The patient then asked the Respondent if he could use the cordless telephone that was located at the nurses' station. The Respondent handed the patient the cordless telephone and the patient walked to his room with the telephone.
9. At approximately 4:09 a.m. on 3/18/05, the patient initiated a telephone call on the cordless telephone to his parents' residence and spoke initially with his mother and then with his father. While the patient was talking with his father on the cordless telephone, the patient walked back to the nurses' station where the Respondent was located. When the patient arrived at the nurses' station, he handed the cordless telephone to the Respondent and asked the Respondent to tell the person he was talking with that he would call the person back later because he needed to be suctioned. Respondent took the telephone from the patient and told the person who the patient had been talking with that the patient could not talk any longer because he had to have his tracheostomy tube suctioned. This telephone conversation which had been initiated by the patient was concluded by the Respondent at approximately 4:13 a.m. on 3/18/05. After returning the cordless telephone to the Respondent, the patient walked back to his room. The patient did not make any further requests thereafter to the Respondent to be suctioned.
10. The accumulation of secretions in the patient's tracheostomy tube put the patient at increased risk of compromised respiratory function.
11. Dana Lewis (presently known as Dana Roehl) was the respiratory therapist on duty at the Christopher East Health And Rehabilitation Center on the morning of 3/18/05. She was trained in tracheostomy care including the suctioning of secretions for patients who had tracheostomies.
12. Dana Lewis was at the nurses' station with the Respondent at approximately 4:00 a.m. on 3/18/05. At approximately 4:17 a.m. on 3/18/05, Dana Lewis saw her first patient when doing her rounds for her respiratory care patients on the unit. Dana Lewis returned to the nurses' station at shortly after 4:55 a.m. and was advised at that time by the Respondent that the patient had requested to be suctioned.
13. Dana Lewis, upon being advised that the patient had requested to be suctioned, went promptly to the patient's room. She arrived at the patient's room at approximately 5:05 a.m. and observed the patient lying face down on the floor. Dana Lewis called to the Respondent to call a code. The Respondent called a code and then notified the Bell Ambulance

Service which was under contract with the facility to provide emergency medical responses for the facility. The emergency medical personnel associated with the Bell Ambulance Service arrived at the facility at approximately 5:07 a.m. and 5:13 a.m. and attempted to resuscitate the patient but the patient could not be resuscitated.

14. The standard of care ordinarily exercised by a competent licensed practical nurse managing a patient with a tracheostomy tube is to respond promptly to a request by the patient to suction secretions accumulating in the patient's tracheostomy tube to minimize the risk of further compromise to the patient's respiratory status.

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 14, above, constitutes a violation of Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N 7.03(1)(b) in that Iphra G. Wigley's conduct in failing to respond to the patient's request to be suctioned for a period of approximately 42 minutes after the patient had requested to be suctioned was an omission which was a substantial departure from the standard of care ordinarily exercised by a competent licensed practical nurse and demonstrated a failure to maintain competence in the practice and methods of nursing care.

3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Iphra G. Wigley is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Iphra G. Wigley to practice as a licensed practical nurse in the state of Wisconsin is hereby limited as follows:

a. Iphra G. Wigley shall within 6 months of the effective date of this Final Decision and Order take and satisfactorily complete a minimum of 6.0 credit hours of continuing education courses in tracheostomy care and a minimum of 6.0 credit hours of continuing education courses in the prioritization of patient care in nursing practice. The continuing education courses taken in satisfaction of these requirements shall be pre-approved by the Board of Nursing or its designee. Iphra G. Wigley shall attend each of the courses taken in satisfaction of these requirements in its entirety.

b. Iphra G. Wigley shall within 60 days of completion of the required continuing education courses provide evidence satisfactory to the Board of Nursing that she has attended each of the approved courses in its entirety. This evidence shall include:

i. Certification of attendance from the sponsoring organization; and

ii. Affidavit given under oath by Iphra G. Wigley verifying that she has attended each of the approved courses in its entirety.

c. Iphra G. Wigley shall pay all costs of attending the approved courses and of verifying attendance at the courses.

d. Iphra G. Wigley shall not practice practical nursing as a home health care nurse, a private duty nurse, a school nurse or an agency or pool nurse at any time while this limited license remains in effect.

e. All individuals or entities who employ Iphra G. Wigley as a practical nurse shall submit quarterly reports to the Board of Nursing assessing Iphra G. Wigley's work performance. The quarterly reports shall be required until Iphra G. Wigley has completed 12 months of full time employment as a practical nurse. Full time employment for purposes of this requirement is defined as a minimum of 30 hours of work per week as a practical nurse. Iphra G. Wigley shall be responsible for the timely filing of these reports with the Monitor in the Department of Regulation and Licensing.

f. Iphra G. Wigley shall within 5 days of the effective date of this Final Decision and Order provide a copy of this Final Decision and Order to her current employers and shall, while the terms of this limited license remain in effect, at the time of making application to a potential employer for employment as a practical nurse, provide to the employer a copy of this Final Decision and Order.

3. The limited license granted pursuant to paragraph 2 of this Order shall continue for a period of 1 year from the effective date of this Final Decision and Order or until all of the terms of this Final Decision and Order have been complied with whichever period of time is the greater.

4. All requests for approval of the continuing education courses, all quarterly work reports filed by employers and all other documents or correspondence submitted pursuant to the terms of this Final Decision and Order shall 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 no. (608) 266-2264

5. After all of the terms of this Final Decision and Order have been satisfied, including the payment of costs as imposed by paragraph 6 of this Final Decision and Order, Iphra G. Wigley may petition the Board of Nursing for reinstatement for a full and unrestricted license to practice as a licensed practical nurse in the state of Wisconsin. The Board of Nursing, upon receipt of this petition, shall conduct a final review of the work reports submitted to the Board pursuant to paragraph 2.e. of this Order. If the Board of Nursing determines from the review of the work reports that Iphra G. Wigley can safely practice as a licensed practical nurse in the state of Wisconsin and that all other requirements of this Final Decision and Order have been complied with, the Board of Nursing shall grant to Iphra G. Wigley a full and unrestricted license to practice as a licensed practical nurse in the state of Wisconsin. If the Board of Nursing determines based upon the work reports that Iphra G. Wigley cannot safely practice as a practical nurse and denies Iphra G. Wigley's petition for reinstatement of a full and unrestricted license to practice as a licensed practical nurse in the state of Wisconsin, the Board shall commence an independent disciplinary proceeding by the filing of a notice of hearing and formal complaint and provide to Iphra G. Wigley notice of the allegations against her and the right to a hearing.

IT IS FURTHER ORDERED that:

6. Iphra G. Wigley shall pay the costs of this proceeding in the amount of \$4,000.00 within 1 year of the effective date of this Final Decision and Order. 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 no. (608) 267-3817
Fax no. (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 Iphra G. Wigley's license. The 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. In the event Iphra G. Wigley fails to pay costs as ordered, Iphra G. Wigley's license #29445-31 SHALL BE SUSPENDED, without further notice or hearing, until Iphra G. Wigley has complied with this term of the Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

7/23/09
Date

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: STIPULATION
IPHRA G. WIGLEY, L.P.N., : LS# 0901294NUR
RESPONDENT. :

Division of Enforcement Case # 05NUR188

It is hereby stipulated between Iphra G. Wigley, L.P.N. and by her attorney, Eugene Bykhovsky; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as the result of a pending formal disciplinary proceeding before the Wisconsin Board of Nursing involving the license of Iphra G. Wigley to practice as a licensed practical nurse in the state of Wisconsin, case # LS0901294NUR. Iphra G. Wigley consents to the resolution of this formal disciplinary proceeding by stipulation.

2. Iphra G. Wigley 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. Iphra G. Wigley has obtained advice of legal counsel prior to signing this Stipulation.

4. Iphra G. Wigley neither admits nor denies the factual assertions set forth in the Findings of Fact in the Final Decision and Order but agrees to permit the Board of Nursing to adopt and enter the attached Final Decision and Order as the final resolution of this matter. 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. Iphra G. Wigley waives all rights to any appeal of the Board's Final Decision and 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 a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Iphra G. Wigley 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. Iphra G. Wigley understands that the attorney or other agent for the Division of Enforcement or the case advisor, in responding to questions asked by the Board, may be required to provide information to the Board which may be construed by the Board as not weighing in favor of accepting this proposed Stipulation and Final Decision and Order. Iphra G. Wigley will not contend that any responses made by the attorney or other agent for the Division of Enforcement or by the case advisor in response to questions posed by the Board constitute a failure by the attorney or other agent for the Division of Enforcement or by the case advisor to speak in support of this agreement. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Iphra G. Wigley 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 Iphra G. Wigley and her attorney, Eugene Bykhovsky, in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Iphra G. Wigley
1635 W. Capital Drive
Milwaukee, WI 53206

Date

Eugene Bykhovsky
Machulak, Robertson & Sodos, S.C.
1733 North Farwell Ave.
Milwaukee, WI 53202

Date

Gilbert C. Lubcke, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date