

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CONSTANCE ELLIS, R.N.,	:	90 NUR 053
RESPONDENT	:	ORDER 0001691

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

Constance Ellis
710 Maplewood Road
Omro, WI 54963

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

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. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Constance Ellis (D.O.B. 01/07/32) is duly licensed in the state of Wisconsin to practice as a registered nurse (license #27208). This license was first granted on November 6, 1952.
2. Ms. Ellis's latest address on file with the Department of Regulation and Licensing is 710 Maplewood Road, Omro, WI 54963.
3. At all times relevant to this action, Ms. Ellis was working as registered nurse Oshkosh Care Center, 1850 Bowen Street, Oshkosh, Wisconsin.
4. On or about February 17, 1990, Ms. Ellis re-inserted a nasogastric feeding tube into CR, a patient assigned to Ms. Ellis' care. The insertion was accomplished with difficulty, as CR had curvature of the spine due to degenerative arthritis. In addition, the patient protested the reinsertion of the tube and indicated that she did not want the procedure performed. The

re-insertion procedure took approximately thirty (30) minutes.

5. A physician's order feeding for CR had been obtained on February 16, 1990 due to CR's deteriorating nutritional intake. CR's guardian as well approved of the institution of nasogastric feeding on that date.

6. CR's nutritional status and level of hydration on February 17, 1990, however, did not warrant emergency intervention.

7. Upon completion of the insertion procedure, Ms. Ellis started the tube feeding and left the room.

8. In resolution of this matter, Ms. Ellis consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Constance Ellis, by her failure to recognize CR's right as a patient to decline treatment and by her failure to adequately monitor the patient following commencement of tube feeding, is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §§N7.03(1)(b) and N7.04(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Constance Ellis to practice as a nurse in the state of Wisconsin (#27208) shall be LIMITED, subject to the following terms and conditions:

1. Constance Ellis shall within thirty (30) days from the date of this Order submit acceptable documentation to the Board of a successful return demonstration of nasogastric tube insertion and tube feeding monitoring. This demonstration shall be evaluated by a registered nurse acceptable to the Board who is experienced in nasogastric tube insertion. If Ms. Ellis fails to submit acceptable documentation within thirty days from the date of this Order, Ms. Ellis shall REFRAIN from the insertion of nasogastric tubes until such time as this restriction is lifted by the Board.

2. Within six (6) months from the date of this order Ms. Ellis shall submit documentation of successful completion of a course in stress and/or anger management acceptable to the Board. To be acceptable, the course or training shall be pre-approved by a member or designated agent of the Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Ellis verifying that she attended the course in its entirety.

3. Within six (6) months from the date of this order Ms. Ellis shall prepare and submit for the Board's approval a typewritten paper of not less than 5,000 words on patient rights, specifically addressing a patient's right to refuse or decline treatment. The paper shall be based upon Ms. Ellis' research and shall reflect current thinking in the nursing

profession on this issue.

4. Ms. Ellis shall practice in settings where she works under supervision by another nurse or other licensed health care professional. Until such time as Ms. Ellis has successfully completed the requirements of §§ 1, 2 and 3, above, Ms. Ellis shall refrain from nursing employment as a visiting nurse or other home care provider, and Ms. Ellis shall obtain prior Board approval for employment as a charge nurse. The Board by this Order approves Ms. Ellis' current limited basis employment as a charge nurse at Oshkosh Care Center.

5. Ms. Ellis shall arrange for four (4) quarterly reports to the Board of Nursing from any nursing employer evaluating her work performance, and Ms. Ellis shall report to the Board any change in nursing employment within five (5) days of any such change. The Board may investigate for further disciplinary action any irregularities received by the Board via Ms. Ellis' quarterly reports.

6. During the time these terms and conditions are in effect, Ms. Ellis shall provide all current or prospective nursing employers with a copy of this Final Decision and Order.


7. Upon successful and timely completion of the terms of §§ 1 through 6, above, the Board shall reinstate Ms. Ellis to full and unrestricted licensure status.

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Ellis'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.

This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

 MS
A Member of the Board

Date

1/28/94

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
CONSTANCE ELLIS, R.N.,	:	90 NUR 053
RESPONDENT	:	

It is hereby stipulated between Constance Ellis, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Ellis's licensure by the Division of Enforcement (90 NUR 053). Ms. Ellis consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Ellis understands that by the signing of 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, and the Wisconsin Administrative Code.

3. Ms. Ellis is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Ms. Ellis agrees to the adoption of the attached Final Decision and Order by the 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 the consideration of this attempted resolution.

6. Attached to this Stipulation is the current licensure card of Constance Ellis. If the Board accepts the Stipulation, Ms. Ellis's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the

license of Ms. Ellis shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Ms. Ellis in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Constance Ellis, RN
Constance Ellis, R.N.

12/18/93
Date

[Signature]
H. Joseph Hildebrand, Attorney
for Ms. Ellis

12/20/93
Date

[Signature]
Steven M. Gloc, Attorney
Division of Enforcement

12.23.93
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

FEBRUARY 1, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)



PDF: DE00000000744-19940128

Order Dates:

JAN 28, 1994

Respondent Names:

ELLIS, CONSTANCE, R.N.

Complaint IDs:

90NUR053

Profession:

REGISTERED NURSE

Boards:

NUR

Short Description:

LIMITED.

Case Summary:

REINSERTED NASOGASTRIC FEEDING TUBE WITH DIFFICULTY. PATIENT
INDICATED SHE DID NOT WANT THE PROCEDURE PERFORMED. UPON
COMPLETION STARTED THE TUBE AND LEFT THE ROOM.

