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State Of Wisconsin
Before The Wisconsin Board Of Nursing

In The Matter Of Disciplinary Proceedings Against

ELAINE K. MAIER, R.N.,

Respondent.

FINAL DECISION AND ORDER

Case 00010710NUR

Division of Enforcement Case # 99 NUR 71

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

Elaine K. Maier
5529 South Illinois Avenue
Cudahy, WI 53110

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

The Wisconsin Board of Nursing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Elaine K. Maier, R.N., personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Board of Nursing makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Elaine K. Maier, R.N., was born November 13, 1954. Ms. Maier's latest address on file with the Department of Regulation and Licensing is 5529 South Illinois Avenue, Cudahy, WI 53110.
2. Ms. Maier is licensed to practice in the state of Wisconsin as a registered nurse pursuant to license #111030, which was first granted on September 11, 1992.
3. On February 6, 1999, Ms. Maier was on duty from 2:30 p.m. until 10:30 p.m. at The Terrace at St. Francis, Milwaukee.
4. About 10:15 p.m., patient VF, a resident at The Terrace at St. Francis, complained to Ms. Maier of chest tightness, feeling anxious, and inability to sleep. VF specifically requested a nitroglycerin tablet.
5. Ms. Maier checked the patient's chart and noted that VF had been using a nitroglycerin patch just prior to admission to The Terrace at St. Francis. Although she could not find a medication order for nitroglycerin tablets for VF, Ms. Maier administered a nitroglycerin tablet to VF.
6. Ms. Maier did not chart that she gave VF nitroglycerin, nor did she contact VF's physician to report the change in condition. She did report to the nurse who came on duty at 10:30 that she had administered the

nitroglycerin.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to § 441.07 (1), Stats.
2. The Board of Nursing has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Wis. Adm. Code § N 7.03 (1) (c) provides that failing to observe the conditions, signs, and symptoms of a patient, record them or report significant changes to the appropriate person constitutes negligence.
4. Ms. Maier's failing to chart the administration of the nitroglycerin to VF and her failing to report the change in VF's condition to a supervisor or VF's physician violated Wis. Admin. Code § N 7.03 (1) (c).
5. Wis. Adm. Code § N 7.04 (2) provides that administering, supplying or obtaining any drug other than in the course of legitimate practice is unprofessional conduct.
6. Wis. Admin. Code § 7.04 (15) provides that violating any rule of the board is unprofessional conduct.
7. Ms. Maier's administration of a nitroglycerin tablet to VF without a medical order and her failing to chart the administration of the medication or report the change in VF's condition constitute unprofessional conduct.

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

1. Elaine K. Maier is hereby REPRIMANDED.
2. Ms. Maier shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$200 toward the costs of the investigation, pursuant to § 440.22, Stats.
3. Ms. Maier shall, within twelve (12) months of the date of this order, submit documentation acceptable to the Board showing successful completion of continuing education in the following areas:
 - A. Medication Administration 4 hours; and
 - B. Assessment, 4 hours.
- I. Ms. Maier shall obtain pre-approval of one or more courses from the Board or its designated agent before takes the course(s) in fulfillment of this requirement.
- II. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor

Division of Enforcement

Department of Regulation and Licensing

P. O. Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-7139

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Board of Nursing for

rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

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

By:	
Ann Brewer, RN	January 7, 2000
A Member of the Board	Date