

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**

**BEFORE THE BOARD OF NURSING**

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**IN THE MATTER OF THE  
DISCIPLINARY PROCEEDINGS**

**AGAINST:**

**ANDREW S. BUVALA, R.N.**

**FINAL DECISION AND ORDER**

**RESPONDENT**

**LS0103011NUR**

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The parties to this action for the purposes of section 227.53 of the Wisconsin statute are:

Andrew S. Buvala

3328 Jeffrey Lane

Eau Claire, WI 54703

Department of Regulation and Licensing

Division of Enforcement

PO 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. Andrew S. Buvala (DOB 07-23-56) is duly licensed as a registered nurse in the state of Wisconsin (license #30-79380). This license was first granted on September 8, 1981.
2. Buvala's most recent address on file with the Wisconsin Board of Nursing is 3328 Jeffrey Lane, Eau Claire, WI 54703.
3. At all times relevant to the incident involved herein, Buvala was the Nurse Supervisor at the Eau Claire Academy, a licensed child care institution.
4. On April 29, 1999, Buvala was in the Nurse's Station at the Eau Claire Academy when he was informed that a patient had been brought to sick bay because she had repeatedly hit her head on a concrete wall in the facility. The injury occurred at approximately 10:00 a.m.
5. Buvala examined the patient and consulted with Sharon Wold, a registered nurse on duty who had observed the patient's head-banging behavior. Buvala and Wold discussed the situation, performed a neurological check on the patient, and concluded that the patient had a concussion but could be adequately monitored in the facility.
6. As the supervising nurse at the facility, Buvala made the decision not to have the patient transported to the emergency room for further evaluation. Buvala and Wold monitored the patient throughout the day. The patient reported that she had dizziness, ringing in her ears, and was nauseous whenever she sat up. The patient vomited repeatedly throughout the day. Buvala did not contact the consulting physician for the facility regarding the patient's injury because he felt comfortable with the clinical presentation and felt that the patient's condition was not progressing.

7. Buvala left the facility at approximately 4:00 p.m. when his shift ended. He called the facility at approximately 7:00 p.m. because he was concerned about how often the patient should be checked during the night shift. Buvala knew that the facility did not have a registered nurse on duty at night.

8. Buvala directed the LPN nurse who worked the night shift to contact Dr. Screnock, the consulting physician. The consulting physician was unavailable, so Buvala directed the night nurse to contact the Luther Hospital Emergency Room. The attending physician directed the night nurse to bring the patient to the emergency room for examination. The patient was admitted to the emergency room at approximately 8:00 p.m.

9. The patient received a full neurologic examination and CT scan at the emergency room, which confirmed that she had a post blunt head trauma. The emergency room physician recommended that the patient receive bed rest over the next 12 to 24 hours, prescribed medication to control her nausea and released her to the Academy with the recommendation that she be awakened every two hours for re-checks. It was further advised that the physician on-call be notified if there were any persistent problems, especially headaches, continuing longer than the next four to five days. The patient was to be referred immediately for any increasing difficulties or vomiting. A copy of the Emergency Room report is incorporated by reference to this document and attached as **State's Exhibit 1**.

10. The State of Wisconsin, Department of Health and Family Services, issued a complaint against the facility in connection with the failure to provide prompt medical treatment to the patient, but declined to impose forfeitures against the facility because it had taken steps to remedy the problems. A copy of the DHFS letter is incorporated by reference to this document and attached as **State's Exhibit 2**.

11. In resolution of this matter, Buvala consents to the entry of the following Conclusions of Law and Order.

### **CONCLUSIONS OF LAW**

Andrew S. Buvala, by the conduct described above, has violated Wisconsin Administrative Code § N 7.03 (1) (b) and (c).

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that Andrew S. Buvala, R.N. is REPRIMANDED.

IT IS FURTHER ORDERED that within ninety (90) days from the date of this Order, Respondent shall submit proof of conducting a in-service training for himself and the medical staff at the facility, acceptable to the Board, on the subject of assessment, treatment and referral on injuries involving head traumas.

IT IS FURTHER ORDERED that within ninety (90) days from the date of this Order, Respondent shall pay partial costs of this proceeding in the amount of one hundred fifty (\$150.00) dollars. **Payment shall be made via certified check or money order and shall be made payable to the Wisconsin Department of Regulation and Licensing**, and mailed to the Department Monitor, Division of Enforcement, PO Box 8935, Madison WI 53708-8935.

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

WISCONSIN BOARD OF NURSING

By: Ann Brewer

3-1-01

A Member of the Board

Date