

# 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	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	ORDER DENYING
	:	PETITION FOR REHEARING
MARGARET Y. CHU, R.N.	:	
RESPONDENT	:	
	:	LS0106182NUR

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An evidentiary hearing was held in this matter on November 27, 2001. Participating were, Margaret Chu, the respondent, who appeared without counsel; James E. Polewski, attorney for the complainant; and the administrative law judge (ALJ).

The ALJ filed his Proposed Decision in the matter on April 1, 2002, and Mr. Polewski filed his Objections to the Proposed Decision on April 12, 2002. The board considered the matter on June 6, 2002, and entered its Final Decision and Order on June 24, 2002. In its decision, the board accepted the Findings of Fact and Conclusions of Law proposed by the administrative law judge, but varied from his recommended order. Specifically, the board ordered that the Ms. Chu's license be suspended for a period of two years, that the suspension be stayed, and that for a period of two years the license be limited. Ms. Chu is required to complete a board-approved RN refresher course and 12 hours of education in the diagnosis and treatment of diabetes within six months from the date of the Order, and is required for a period of two years to be responsible for submission to the board of formal written quarterly reports prepared by her nursing employer setting forth Ms. Chu's activities and performance in her employment.

By letter dated July 9, 2002, Ms. Chu filed her Petition for Rehearing; and Mr. Polewski filed his Response to the Petition on July 25, 2002.

Based upon the Petition and other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the Petition for Rehearing of Margaret Chu, RN, be, and hereby is, denied.

DISCUSSION

Under sec. 227.49(2), Stats., a rehearing may be granted only on the basis of some material error of law, some material error of fact, or the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence. The petition in this matter contends that the board made a material error of law and two material errors of fact. It also claims discovery of new evidence.

The first error of fact alleged is the finding that Resident AB was diabetic. This is somewhat mystifying, for Ms.

Chu concedes in her Petition that the resident was diagnosed with insulin dependent diabetes mellitus.

The board's finding at Finding of Fact #14 states as follows:

14. Other than entering the results of the June 14, 1998 6:40 a.m. and 5:00 p.m. blood sugar tests in resident AB's medication administration record the respondent did not inform resident AB's physician or other nursing staff of the blood sugar readings obtained on June 14, 1998, at 6:40 a.m. or 5:00 p.m.

Ms. Chu contends that this finding also constitutes an error in fact, stating, "PM nurse was given report on all 29 patients' conditions." Ms. Chu's contention does not deny that she failed to notify the patient's physician of the blood sugar readings, and her Answer to the Complaint (at a time when she was represented by counsel) admits that she failed to do so. Ms. Chu also does not specifically contend that she notified nursing staff of the low blood pressure readings. The fact that she did not is adequately documented in the record.

Ms. Chu cites as a material error of law the provision in the board's Order requiring that she complete 12 hours of education in the diagnosis and treatment of diabetes, stating, "By law, registered nurses do not make diagnosis [sic]." Again Ms. Chu is in error. Section N 6.02, Wis. Admin. Code, defines "nursing diagnosis" as "a judgment made by an R.N. following a nursing assessment of a patient's actual or potential health needs for the purpose of establishing a nursing care plan."

Finally, Ms. Chu cites as new evidence that "MDs are educated to write clear orders, not ambiguous orders." It is true that the physician's order in this case lacked clarity, but that is hardly new evidence.

Because Ms. Chu has failed to establish any material error of fact or of law, and has failed to discover new evidence sufficiently strong to influence the board's decision, her petition for rehearing must be denied.

Dated this 19<sup>th</sup> day of August, 2002.

STATE OF WISCONSIN

BOARD OF NURSING

Linda M. Sanner, RN

Chair