

# 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:

MARGARET Y. CHU, R.N.  
RESPONDENT

FINAL DECISION AND ORDER  
LS0106182NUR

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The parties to this proceeding for the purpose of § 227.53, Stats., are:

Margaret Chu, RN  
1001 West State Street  
Marshfield, WI 54449

State of Wisconsin  
Board of Nursing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

Wisconsin Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

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.

Based upon the entire record of this case the Board of Nursing makes the following Findings of Fact, Conclusions of Law and Order:

Findings of Fact

1. Margaret Y. Chu, R.N., ("respondent") was born on April 21, 1953, and is licensed to practice nursing as a registered nurse pursuant to license number 107605, first granted on September 5, 1991. (Admitted in Answer.)
2. On June 14, 1998, the respondent was employed at Marshfield Health Center, a nursing home in Marshfield, Wisconsin. (Exh. 1 and admitted in Answer.)
3. The respondent was one of a number of people who provided skilled nursing care to resident AB. (Exh. 1)

4. Resident AB was a diabetic. (Exh. 1)
5. At approximately 6:40 a.m. on June 14, 1998, the respondent obtained a drop of blood from resident AB for the purpose of checking AB's blood sugar. (Admitted in Answer.)
6. The result of resident AB's June 14, 1998, 6:40 a.m. blood sugar test was 42 mg/dl. (Exh. 1 and admitted in Answer.)
7. A blood sugar test result of 42 mg/dl indicated that resident AB was hypoglycemic. (R.T. p. 28)
8. The respondent gave a carbohydrate to resident AB following the June 14, 1998, 6:40 a.m. blood sugar test and administered insulin without first rechecking resident AB's blood sugar level. (Exh. 1)
9. At approximately 5:00 p.m. on June 14, 1998, the respondent obtained a drop of blood from resident AB for the purpose of checking her blood sugar. (Admitted in answer.)
10. The result of resident AB's June 14, 1998, 5:00 p.m. blood sugar test was 45 mg/dl. (Exh 1. and admitted in answer.)
11. A blood sugar test result of 45 mg/dl indicated that resident AB was hypoglycemic. (R.T. p. 28)
12. The respondent gave a carbohydrate to resident AB following the June 14, 1998, 5:00 p.m. blood sugar test and administered insulin without first rechecking resident AB's blood sugar level. (Exh. 1), (Exh. 2)
13. The respondent noted 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. (Exh. 1 and admitted in answer.)
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. (Exh. 1 and admitted in answer.)

#### Conclusions of law

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to Wis. Stats. § 441.07 (1) (c).
2. The respondent's conduct in administering insulin to a diabetic patient without knowing the diabetic's blood sugar level, and in failing to report significant changes in the patient's condition to the appropriate person violated Wis. Adm. Code §§ N 7.03 (1) (b), (c) and (e).

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Margaret Y. Chu, RN, be and hereby is, suspended for a period of two years.

IT IS FURTHER ORDERED that the suspension be, and hereby is, stayed.

IT IS FURTHER ORDERED that for a period of two years, the license be, and hereby is, limited as follows:

1. Ms. Chu shall 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 hereof.
2. Ms. Chu shall for a period of two years 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.

IT IS FURTHER ORDRED that failure to comply with the terms of this Order shall constitute grounds for terminating the stay of suspension.

IT IS FURTHER ORDRED that, pursuant to § 440.22, Stats., the costs of this proceeding shall be assessed against Ms. Chu.

#### EXPLANATION OF VARIANCE

The board has accepted the Administrative Law Judge's recommended Findings of Fact and Conclusions of Law in their entirety. The board has also accepted the ALJ's recommendation that the costs of this proceeding be assessed against the respondent. The board has not, however, accepted the balance of the ALJ's recommended order, on the basis that it may not adequately address the goal of protecting the public health, safety and welfare through rehabilitation of the licensee and deterring other licensees from engaging in similar misconduct.

It is clear from this record that Ms. Chu failed to grasp the gravity of her conduct in twice administering insulin to

a hypoglycemic patient, contending at the time of hearing that she had done nothing wrong because she exactly followed a concededly ambiguous physician's medication order. Her conduct demonstrates an apparent inability to apply basic nursing skills and a complete failure to exercise professional nursing judgment. Accordingly, the board concludes that substantial remedial education and training is required, and therefore orders that Ms. Chu complete a board-approved RN refresher course, and not less than 12 hours of education in the diagnosis and treatment of diabetes. The board also considers it necessary to monitor Ms. Chu's practice for a period of two years to ensure that she is practicing competently, and therefore orders that she be responsible for submission of formal, written work reports prepared by her nursing employer for that period of time. Finally, the board suspends that license for a period of two years, but stays the suspension for the entire two year period conditioned upon Ms. Chu's compliance with the board's Order.

Dated this 21<sup>st</sup> day of June, 2002

STATE OF WISCONSIN

BOARD OF NURSING

Linda Sanner, RN

Chair