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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING
IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

BARBARA A. MARSHALL, RN,
RESPONDENT

FINAL DECISION AND ORDER
LS02030110NUR

Division of Enforcement Case No. 00 NUR 099

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

Barbara A. Marshall
212 West Ginty Street
Cadott, WI 54727

Board of Nursing
PO Box 8935
Madison, WI 53708-8935

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.

For the sole purpose of settlement of this matter, Ms. Marshall amends her Answer to neither admit nor deny the allegations against her. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Barbara A. Marshall (D.O.B. 10/02/39) is duly licensed as a registered nurse in the state of Wisconsin (license #49576). This license was first granted on 11/22/1968.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 212 West Ginty Street, Cadott, Wisconsin, 54727.
3. At all times relevant to this action, Respondent was working as a registered nurse at Dallas healthcare Center, in Dallas, Wisconsin.
4. On an exact date unknown, but on a date between January 13, 2000 and February 13, 2000 at approximately 2:45 a.m., Respondent placed resident EL in a wheelchair with a posey cushion in front of him in the shower room with the wheel of EL's wheel chair locked. EL remained in the shower room for an extended period of time.
5. Respondent did not have a physician's order for isolation or restraint of EL, and did not chart the restraint of the patient described in paragraph 5, above. Respondent did not obtain family consent for restraint of EL.

6. On or about March 4, 2000, EL struck Respondent during Respondent's provision of care to EL. In response, Respondent grabbed EL's arms and crossed them. Respondent then leaned over EL and yelled into EL's face.

7. On or about March 6, 2000, Respondent raised the side rails on resident's AB's bed. Respondent had not performed a pre-restraint assessment for AB, did not have a physician's order for this restraint of AB, did not obtain family consent for restraint of AB, and did not chart the restraint of the patient.

CONCLUSIONS OF LAW

By the conduct described above Respondent violated 441.07(1)(c), Wis. Stats. and Wis. Admin. Code §N7.04 (4) and (15). Furthermore, the Findings of Fact set forth above constitute an agency finding within the meaning of secs. 48.685 and 50.065, Stats. requiring a rehabilitation review by the Department of Health and Family Services.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Barbara A. Marshall to practice as a registered nurse in the state of Wisconsin [License # 49576] is LIMITED as follows:

Practice restrictions

1. Until such time as Respondent successfully completes a rehabilitation review administered by the Wisconsin Department of Health and Family Services, Respondent shall REFRAIN from any nursing employment in any Wisconsin DHFS-licensed facility.
2. Until otherwise ordered by the Board:
 - a. Respondent shall practice only in settings where she works under supervision by another nurse or other licensed health care professional;
 - b. Respondent shall refrain from nursing employment as a pool nurse, a visiting nurse or other home care practitioner; and
 - c. Respondent shall refrain from employment as a charge nurse.

Required reporting

3. For a period of one [1] year from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement.
4. Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

Continuing Education

5. Within six (6) months from the date of this order, Respondent shall submit documentation of successful completion of at least twelve (12) hours of therapy, continuing education, or other training acceptable to the Board in the areas of anger and stress management. To be acceptable, the course, therapy, or training shall be approved by a member or designated agent of the Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Respondent verifying her attendance and completion of course and/or therapy requirements.
6. Within six (6) months from the date of this order, Respondent shall submit documentation of successful completion of at least six (6) hours of continuing education or other training acceptable to the Board in the areas of elder care and management of difficult patients, or in other areas approved as relevant to this action. 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 a statement signed by Respondent verifying her attendance and completion of course requirements.
7. Respondent shall be responsible for all expenses incurred for training and other reporting as required by this order.
8. Within six (6) months from the date of this order, Respondent shall submit documentation acceptable to the Board of successful return demonstration of a full and working knowledge of patient rights, as set forth in sec. 51.61, Wis. Stats.

9. Following completion of the continuing education, therapy, or other training referred to above, Respondent shall submit an evaluation of the training to the Division of Enforcement to assist the Division in developing future disciplinary policies and guidelines.

Department Monitor

10. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving payment of costs and forfeitures, as well as coordinating all requests for approval of education or other petitions. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 261-7938

Petition For Modification or Termination of Limitations

11. Respondent may at any time petition the Board to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

Summary suspension

12. In the event that Respondent fails to timely comply with the requirements set forth in paragraphs 1, 2, 5 and 6 above, her Wisconsin license to practice as a practical nurse shall be SUSPENDED, without further notice or hearing, until she has complied with the terms of this Order. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. 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.

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

BOARD OF NURSING

By: Linda Sanner	3-1-02
On behalf of the Board	Date