

# 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 :

: FINAL DECISION AND ORDER

JACQUELINE M. SEDLAR, LPN, : LS0211074NUR

RESPONDENT :

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Division of Enforcement Case No's. 01 NUR 142/ 02 NUR 019

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

Jacqueline M. Sedlar

PO Box 14132

Milwaukee WI 53214

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, 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. Jacqueline M. Sedlar (D.O.B. 11/22/1951) is duly licensed as a practical nurse in the state of Wisconsin (license #24342). This license was first granted on 12/08/81.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is PO Box 14132, Milwaukee, WI 53214.
3. Unless otherwise indicated, at all times relevant to this action Respondent worked as a licensed practical

nurse at the CJ Zablocki VA Medical Center, 5000 West National Avenue, Milwaukee, Wisconsin. When Respondent was working at the Milwaukee VA Medical Center, she worked on 8AS, the palliative care unit of the facility.

4. On an exact date unknown but on a date in December 1999 staff members informed Respondent that patient A's cares were done and that Patient A had had a large bowel movement. Respondent subsequently informed staff that in spite of this information she had performed a rectal check on patient A. Respondent's rectal check on this patient was an unnecessary and invasive procedure.

a. In December 1999, Patient A was dying, confused and had difficulty making his needs known.

b. Respondent did not chart her performance of a rectal check on this patient.

5. On or about March 25, 2000, Respondent performed a manual stool extraction on Patient B. Respondent's intervention for this patient was an unnecessary and invasive procedure.

a. Respondent was not assigned to perform cares for Patient B on this date.

b. Patient B was terminally ill, imminently dying and unable to communicate.

c. Patient B had received a suppository earlier in the day on March 25, 2000.

d. At the time Respondent performed the manual extraction on Patient B, the stool removed was soft. Respondent did not try less invasive procedures for the removal of stool, including allowing more time for the suppository to work or administering an enema to the patient.

e. Respondent did not chart her manual extraction of stool from this patient.

6. On an exact date unknown, but in March 2000, Respondent administered a suppository to Patient C. Another staff member informed Respondent that Respondent had fresh (red) blood on her glove. Respondent did not chart the presence of blood in conjunction with her rectal check, nor did she perform any nursing intervention in response to this symptom.

7. On or about April 9, 2000, Respondent performed a manual extraction of stool from Patient D. Respondent's manual extraction of stool from this patient was an unnecessary invasive procedure.

a. Respondent was not assigned to care for Patient D.

b. Patient D was a total care patient who was confused and unable to communicate.

c. Patient D had had a large bowel movement prior to Respondent's manual extraction of stool.

d. Respondent did not chart manual extraction of stool from Patient D on April 9, 2000.

8. On or about September 30, 2001, Respondent was working as a licensed practical nurse at West Allis Care Center, LLC, 6700 West Beloit Road, West Allis, Wisconsin.

9. On September 30, 2001, Respondent wheeled resident E down the hallway of the facility with the resident's breasts exposed.

10. On or about January 19, 2002, Respondent was working as a licensed practical nurse at West Allis Care Center.

11. On or about January 19, 2002, Respondent placed resident F in restraints without a physician's order. Respondent applied a waist restraint to F to confine her to her wheelchair and pushed F into the facility dining room.

12. Subsequent to Respondent placing resident F in restraints, a CNA removed the restraints from the resident. Respondent later replaced the waist restraint, pushed F's wheelchair close to the dining table and locked the brakes of the wheelchair.

13. Respondent did not chart the application of restraints for Resident F on this date. The physician's orders for restraints for this resident required a self-release seat belt for positioning and safety while the resident was up in her wheelchair, with release at mealtimes and for activities.

14. In resolution of this matter, Respondent consents to issuance of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to sec. 441.07, Stats.

2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.

3. By the conduct described above, Jacqueline M. Sedlar is subject to disciplinary action against her Wisconsin nursing license, pursuant to sec. 441.07(1), Wis. Stats., and Wis. Admin. Code §§ N7.03 (1) and 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, Wis. Stats.

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Wisconsin nursing license of Jacqueline M. Sedlar (license #24342) 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 acceptable to the Board. Respondent shall obtain approval of a work setting prior to commencement of nursing duties;
  - b. Respondent shall refrain from nursing employment as a pool nurse or visiting nurse (or other home care practitioner); and
  - c. Respondent shall refrain from working as a charge nurse.

## Continuing education

3. Within nine [9] months from the date of this order, Respondent shall submit acceptable documentation of successful completion of an LPN refresher course acceptable to the Board. Acceptable documentation of completion of continuing education shall include: certification from the sponsoring organization as well as a statement signed by Respondent verifying her attendance at the course and completion of course requirements.
4. Respondent shall be responsible for all expenses incurred by her in complying with the terms of this Order.
5. Within twelve [12] 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.

## Required reporting

6. For a period of at least 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.
7. Respondent shall notify the Department Monitor of any change of nursing 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.

## Department Monitor

8. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving reports and 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

**Petition for Termination of restrictions**

9. Upon completion of: one [1] year of complete, successful and continuous compliance with the terms of this Order that includes one [1] year of nursing employment under the terms of this Order; Respondent may 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**

**10. Violation of any of the other 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.**

**Effective date of Order**

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

BOARD OF NURSING

By: Linda M. Sanner  
On behalf of the Board

11-07-02  
Date