

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY		:	
PROCEEDINGS AGAINST		:	
		:	FINAL DECISION AND ORDER
RUSTIN C. DIXON, RN,		:	LS0305091NUR
RESPONDENT		:	

Division of Enforcement Case No. 00 NUR 107

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

Rustin C. Dixon  
4847 Prairie Trail  
Rhineland WI 54501

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. For the purposes of resolution of this matter, the Respondent neither admits nor denies the allegations against her, and consents to the following Findings of Fact, Conclusions of Law, and Order.

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. Rustin C. Dixon (D.O.B. 05/11/1950) is duly licensed as a registered nurse in the state of Wisconsin (license #91077). This license was first granted on 08/31/1985.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 4847 Prairie Trail, Rhinelander, WI 54501.

3. At all times relevant to this action, Respondent worked as a licensed registered nurse on the night shift at Lillian E. Kerr Nursing Care & Rehabilitation Center, 2383 Highway 17, Phelps, Wisconsin.

4. On or about March 30, 2000, Respondent dispensed 1 mg. Ativan to resident SE in applesauce for seizure control. Respondent charted this intervention as follows:

18:45 Respondent found [with] tonic/clonic movement of [upper] extremities that lasted approx. 5 sec. [after] staff entered room. Skin color grey. Drooling from oral meatus noted. Lower lip slightly swollen [with] sm. cut as if bitten. AP 88 BP 124/64. Skin color returned to normal after approx. 5 mins. Res. positioned on [left] side [with] HOB [elevated]. Pursed lip breathing lasted [after] seizure for approx. 5 min. & then returned to normal.

19:30 Ativan 1 mg. po given for seizuring. Call placed to Dr. Johnson, on call, & MD updated on [change] in condition. NNO's received....

6. During administration of the Ativan in applesauce to SE, the resident clenched down upon the spoon. Respondent removed the spoon with difficulty from SE's mouth.

7. Respondent then left resident SE's room. SE had un-swallowed applesauce in her mouth. Respondent indicated to subordinate staff the medication would be absorbed through SE's cheek.

8. On or about April 4, 2000, resident AN began coughing and choking in his room. Two CNA's went to the room and found AN lying flat on his back in bed. They cleared a quantity of brown "power pudding" (pureed prunes and raisins) from AN's mouth. Respondent was talking to another resident across the hall from AN and responded to AN's distress when called to the room by a CNA. Respondent informed staff that AN was fine. Respondent left the room without performing a hands-on assessment of the patient.

9. Respondent later returned to the room to inform the CNA's that she had given AN his medications in applesauce an hour prior to the incident. Respondent made no entries into the nursing notes regarding this incident.

10. On exact dates unknown, but on several occasions in March and April 2000, Respondent inappropriately delegated administration of resident medications to subordinate staff under Respondent's supervision.

#### 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, Rustin C. Dixon 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).

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Wisconsin nursing license of Rustin C. Dixon (license #91077) is LIMITED as follows:

### **Practice restrictions**

1. 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 visiting nurse or other home care practitioner; and
  - c. Respondent shall refrain from working as a pool or charge nurse.

### **Continuing education**

2. Within six [6] months from the date of this order, Respondent shall submit acceptable documentation of successful completion of the University of Wisconsin School of Nursing continuing education program entitled "Legal Issues for Nurses in Today's Health Care Environment", or of completion of other training pre-approved by the Board in the area of legal responsibilities of nursing. Acceptable documentation of completion of continuing education shall include: certification from the sponsoring organization, a statement signed by Respondent verifying completion of course requirements, and proof of successful completion of a post-test acceptable to the Board and/or submission of other documentation of course content comprehension acceptable to the Board.
3. Within six [6] months from the date of this order, Respondent shall submit acceptable documentation of successful completion of at least six [6] additional hours of continuing education or of other training pre-approved by the Board in the areas of nursing ethics and responsibilities. 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 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.

### **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

### **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.

## **Agency Caregiver Finding**

10. If Respondent fails to fully and completely comply with all terms and conditions set forth above or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation, the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services that the findings set forth in this Order shall thereafter constitute an agency finding of neglect for the purposes of secs. 48.685 and 50.065, Wis. Stats. Respondent shall then REFRAIN from any nursing employment in any facility licensed by the Wisconsin Department of Health and Family Services until such time as Respondent successfully completes a rehabilitation review administered by DHFS.

### **SUMMARY SUSPENSION**

**11. 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**

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

BOARD OF NURSING

By: Linda Sanner	5-9-03
On behalf of the Board	Date