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State Of Wisconsin
Before The Wisconsin Board of Nursing

| | | |
|-------------------------------|---|--------------------------|
| In The Matter Of Disciplinary | : | |
| Proceedings Against | : | |
| | : | FINAL DECISION AND ORDER |
| JOYCE CLEAVENGER, R.N., | : | LS0306252NUR |
| RESPONDENT | : | |

Division of Enforcement Case #99 NUR 176

The parties to this action for the purposes of Wis. Stats. § 227.53 are:

Joyce Cleavenger, R.N.
21 Red Coulee Rd.
Belt, MT 59412

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The Wisconsin Board of Nursing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Joyce Cleavenger, R.N., personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Board of Nursing makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Joyce Cleavenger, R.N., was born August 29, 1957. Ms. Cleavenger's latest address on file with the Department of Regulation and Licensing is 242 W. Tyler Ave., Eau Claire, WI 54701. Respondent is currently residing at the following address: 21 Red Coulee Rd., Belt, MT 59412.
2. Ms. Cleavenger is licensed to practice in the state of Wisconsin as a registered nurse pursuant to license #118764, which was first granted on February 13, 1995.
3. During the period from November 13, 1998, and February 20, 1999, Ms. Cleavenger worked night shifts at the home of patient AB, (birthdate 12/19/96) providing private duty nursing services for Northwest Wisconsin HomeCare.
4. Apria Health Care provided Respondent with ventilator training in the patient's home on October 23, 1998.
5. Patient AB's Plan of Treatment included an order to use increase to a CPAP (another tem for PEEP) of 10 if unable to maintain oxygen saturations above 93% with 40% oxygen.
6. On or about January 23, 1999, Respondent worked the 10:00 p.m. to 7 a.m. shift at Patient AB'S home.
7. While Respondent was preparing Patient AB to go on the ventilator, the ventilator's alarm sounded. Patient AB's mother asked Respondent to check the settings and the PEEP valve to see if that was the problem.
8. The ventilator's alarm continued to sound. Respondent indicated to patient AB's mother that the PEEP valve settings were correct.
9. Patient AB's mother checked the settings herself and found the setting to be incorrect. The mother corrected the settings.

10. Respondent's conduct created an unacceptable risk to the patient by not knowing how to problem solve the ventilator nor how to increase the PEEP in an emergency situation.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to § 441.07 (1), Stats.
2. The Board of Nursing has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Respondent Joyce Cleavenger has violated Wis. Adm. Codes § N 7.03 (1) (a), § N 7.04 (intro) and § N 6.03(2)(b), and Wis. Stats. § 441.07(1)(c) and § 441.07(1)(d) by engaging in conduct which tended to constitute a danger to the health safety or welfare of a patient, and by not accepting only those delegated medical acts for which she is competent to perform based on her nursing education, training or experience.

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

- 1) Joyce Cleavenger is hereby REPRIMANDED.
- 2) Ms. Cleavenger shall pay to the Department of Regulation and Licensing ONE THOUSAND dollars (\$1,000.00) toward the costs of the investigation, pursuant to § 440.22, Stats.). A payment of \$ 100.00 shall be paid within 30 days from the date of this Order and payments of \$100.00 will be due on the first of every consecutive month thereafter until the full \$1,000.00 is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935.**
- 3) Ms. Cleavenger shall, within six (6) months of the date of this order, submit documentation acceptable to the Board showing successful completion of sixteen (16) hours of continuing education in Care of a Patient on a Ventilator.
- 4) Ms. Cleavenger shall obtain pre-approval of one or more courses from the Board or its designated agent before she takes the course(s) in fulfillment of the requirement in paragraph 4.
- 5) The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 261-7938

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Board of Nursing for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

By: Jacqueline Johnsrud
A Member of the Board

3-4-04
Date