

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
JANE C. ARPS-JOHNSON, R.N.,	:	LS0407291NUR
RESPONDENT	:	

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

Jane C. Arps-Johnson, R.N.  
8432 Cochise Rd.  
Fremont, WI 53904

Wisconsin Board of Nursing  
1400 E. Washington Ave.  
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 parties in this matter, Jane C. Arps-Johnson, R.N. personally on her own behalf, and Michael Berndt, attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing. 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. Jane C. Arps-Johnson, R.N., 8432 Cochise Rd., Fremont, Wisconsin, 54904 (D.O.B. April 16, 1944) is duly licensed in the state of Wisconsin as a Registered Nurse (license #67840). This license was first granted on September 16, 1977.
2. An investigation, entitled 02 NUR 93 is pending before the Wisconsin Board of Nursing.
3. On or about March 28, 2002, Respondent was assigned to the intensive care unit (ICU) and the care of IB, a 91-year-old female with a diagnosis of dementia. IB was admitted to the ICU to receive a three unit blood transfusion.
4. Patient IB continually repositioned her arm causing the IV to stop and the alarm to sound. Respondent taped IB's arm down so IB would not move it.
5. Patient IB activated her nurse call light multiple times. Respondent placed the call light button out of IB's reach.
6. At approximately 15:45, patient FJ, a 66-year-old female, was brought to the unit per physician's order. FJ had minor surgery and the physician wanted her observed because of her heart history.
7. Respondent left the ICU without securing proper nursing coverage. The staff member who escorted FJ to the unit contacted the nursing supervisor who came to the unit to provide RN coverage. Approximately five minutes later Respondent

returned to the unit.

### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07 and N 7.04.
2. The Wisconsin Board of Nursing has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).
3. Respondent's conduct set forth in paragraphs 3 to 7 above constitutes abuse and neglect of patients which is a violation of Wis. Adm. Code sec. N 7.04(1) and sec. N 7.04(4) and Wis. Stats. sec 441.07.
4. The Findings of Fact set forth in paragraphs 3 to 7 above constitute an agency finding of abuse and neglect within the meaning of Wis. Stats. sec. 48.685 and 50.065.

### ORDER

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

**IT IS FURTHER ORDERED**, that Jane C. Arps-Johnson, (license #67840) is REPRIMANDED.

**IT IS FURTHER ORDERED**, that the license of Jane C. Arps-Johnson, (license #67840) is LIMITED as follows:

#### **Practice Restrictions**

1. For a minimum of two years, from the date of this Board Order, Respondent is prohibited from working independently as a nurse. Respondent must be under the direct supervision of another RN at all times and is prohibited from being the only RN on duty at any shift when she is working as an RN.

#### **Education Requirements**

2. Within twelve (12) months from the effective date of this Order, Respondent shall submit documentation of successful completion of at least twelve (12) hours of continuing education approved by the Board in the subject area of Anger and Stress Management.
3. Within twelve (12) months from the effective date of this Order, Respondent shall submit documentation of successful completion of at least six (6) hours of continuing education approved by the Board in the subject area of Patients Rights.
4. Within twelve (12) months from the effective date of this Order, Respondent shall submit documentation of successful completion of at least twelve (12) hours of continuing education approved by the Board in the subject area of Ethics.
5. Respondent will be responsible for locating course(s) satisfactory to the Wisconsin Board of Nursing or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Board of Nursing prior to taking the courses. Respondent is responsible for providing a description of the course content to the Department Monitor prior to commencement of the program. Respondent will be responsible for all of the costs of the education programs. 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 that she attended the course in its entirety.
6. Respondent shall be responsible for all expenses incurred by her in complying with the terms of this Order.

#### **Reporting Requirements**

7. For a minimum of two years, from the date of this Board Order, Respondent shall arrange for quarterly work 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.

8. 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.

9. Until otherwise ordered by the Board, Respondent shall provide a copy of this Final Decision and Order to any current or prospective employer, where the work setting could involve patient contact or care. Respondent may petition for removal of this condition upon successful completion of all course work required under paragraphs 2 to 4, above. 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.

### **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 coordinating submission of reports and petitions. The Department Monitor may be reached as follows:

Department Monitor c/o Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935  
TEL (608) 267-3817  
FAX (608) 266-2264

### **Petition for Termination of restrictions**

11. Upon Completion of: two [2] years of complete, successful continuous compliance with the terms of this Order that includes two [2] years 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 Care Giver Finding**

12. This order constitutes an agency finding of abuse and neglect for the purpose 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 (DHFS) until such time as Respondent successfully complete a rehabilitation review administered by DHFS.

### **SUMMARY SUSPENSION**

**13. Violation of any of the terms of this Order may in addition 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.**

**IT IS FURTHER ORDERED** that Ms. Arps-Johnson shall pay COSTS in the amount of one-thousand dollars (\$1,000.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

**IT IS FURTHER ORDERED**, that the pending investigation 02 NUR 93 is closed without further proceedings.

**IT IS FURTHER ORDERED** that this Order shall become effective upon the date of its signing.

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”.

Dated at Madison, Wisconsin, this 29<sup>th</sup> day of July, 2004.

Jacqueline Johnsrud, RN  
A Member of the Board