

# 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 |
| JANET OLU IBITOYE, R.N.,          | : | LS0508102NUR             |
| RESPONDENT.                       | : |                          |

[Division of Enforcement Case # 02 NUR 099]

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

Janet Olu Ibitoye, R.N.  
3360A N. Booth  
Milwaukee, WI 53212

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 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. Janet Olu Ibitoye, R.N., Respondent, date of birth February 26, 1939, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 129347, which was first granted May 5 1998.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3360A N. Booth Milwaukee, WI 53212.
3. During the events of this matter, Respondent was employed as a registered nurse at Kilbourn Care Center (KCC) in Milwaukee, Wisconsin.
4. On December 27, 2001, after having been struck by a car, Ms. A was admitted to Froedtert Hospital in Milwaukee, Wisconsin, and on January 19, 2002, had surgery performed for multiple fractures on both legs. Because Ms. A's post-operative condition increased her risk of developing blood clots, Ms. A's orthopedic surgeon ordered Heparin Sodium 5000 u/ml subcutaneously twice a day.
5. On January 23, 2002, Ms. A was transferred to KCC for rehabilitation. Ms. A's admitting physician continued the order of Heparin Sodium 5000 u/ml subcutaneously twice a day through the month of February.

6. Respondent provided patient care to Ms. A on nine days between January 23 and February 25, 2002. During that period, Respondent was responsible for administering a total of nine doses of Heparin to Ms. A.

7. In addition to her medical condition, Ms. A had a history of Schizophrenic disorder and was generally alert, but confused. Ms. A would always take her oral medications, but often refused injections. Because of Ms. A's repeated refusal to allow Respondent to do so, Respondent was only able to administer one of the nine ordered doses of Heparin to Ms. A.

8. KCC's Medication policy provided as follows: "General Guidelines: 13. . . . If several doses of a vital medication are withheld or refused, the physician and responsible party are notified and documentation of notification is made."

9. On February 24, 2002, Respondent notified Ms. A's family members of Ms. A's repeated refusal to take the Heparin but did not notify Ms. A's physician.

10. On February 25, 2002, Ms. A was found unresponsive and was later pronounced dead. Following an autopsy, Ms. A's cause of death was determined to be a Pulmonary Saddle Embolus due to Deep Vein Thromboses.

11. On March 8, 2002, a KCC pharmacist provided an inservice related to anti-coagulant therapy to licensed staff. At that time, KCC clarified its interpretation of "several doses" in the medication administration guidelines as stated in paragraph 8 above to mean "three (3) doses in any given time."

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to notify Ms. A's physician of Ms. A's continued refusal to take a regularly scheduled medication, has committed negligence as defined by Wis. Adm. Code § N 7.03(1)(b) and is subject to discipline pursuant to Wis. Stat. § 441.07(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Janet Olu Ibitoye, R.N., is hereby REPRIMANDED for the above conduct.

2. Respondent shall, within 90 days of the date of this Order, provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of six (6) hours of continuing education in the following areas: three (3) hours in nursing ethics and three (3) hours in documentation/charting, which courses shall first be approved by the Board, or its designee.

3. Respondent shall, within one (1) year of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,347.34 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. 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. 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. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Jacqueline Johnsrud  
A Member of the Board

12/08/05  
Date