

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LYNN KLEMMER	:	AMENDED FINAL
CAROL KUJAWA, and	:	DECISION AND ORDER
BRENDA KURTTI	:	LS0402092NUR
RESPONDENTS	:	

Division of Enforcement Case File No. 99NUR167

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

Lynn Klemmer, Carol Kujawa and Brenda Kurtti
c/o Mr. Steven P. Sager
Sager, Colwin, Samuelsen & Associates, S.C.
201 South Marr Street
P.O. Box 2068
Fond du Lac, WI 54936-2068

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

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

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on July 27 and September 8, 2004, before Administrative Law Judge Jacquelynn B. Rothstein. The Division of Enforcement appeared by attorney Jeanette Lytle. Attorney Steven P. Sager appeared on behalf of Lynn M. Klemmer, Carol J. Kujawa, and Brenda K. Kurtti. The Board of Nursing adopted the Proposed Decision of the Administrative Law Judge as its Final Decision and Order on December 9, 2004. The Respondents appealed and the Decision was affirmed by the Circuit Court. Subsequently, the Respondents and the Department of Justice reached an agreement to amend the Conclusions of Law in lieu of further appeal. That agreement was found acceptable to the Board of Nursing.

Accordingly, the Board of Nursing issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Lynn M. Klemmer, R.N., (dob 4/28/55) is duly licensed as a registered nurse in Wisconsin (License # 76816). Her lic was first granted on August 29, 1980.
2. Ms. Klemmer’s latest address on file with the Department of Regulation and Licensing is 2332 Ashland Street, Oshkos Wisconsin.
3. Carol J. Kujawa, R.N., (dob 4/13/39) is duly licensed as a registered nurse in Wisconsin (License # 35829). Her licer first granted on November 16, 1959.

4. Ms. Kujawa's latest address on file with the Department of Regulation and Licensing is 655 W. 19th Avenue, Oshkosh, Wisconsin.
5. Brenda K. Kurtti, R.N., (dob 2/3/61) is duly licensed as a registered nurse in Wisconsin (License # 101823). Her license was first granted on November 16, 1959.
6. Ms. Kurtti's latest address on file with the Department of Regulation and Licensing is 1595 Villa Park Drive, Oshkosh, Wisconsin.
7. At all relevant times related to this matter nurses Klemmer, Kujawa, and Kurtti were employed at Mercy Medical Center, Oshkosh, Wisconsin.
8. On December 24, 1996, Baby C.L. was born and placed in a special care nursery at Mercy Medical Center due to a heart murmur and hypoglycemia. The treating physician ordered oxygen therapy, cardio-respiratory monitoring, and an intravenous solution of 10% Dextrose for the infant.
9. To obtain the Dextrose solution, hospital policy required the entry of a mnemonic into a computer. The nurse who ordered the solution contacted the pharmacy for the mnemonic because she could not recall what it was. She was given the requested information, but the incorrect mnemonic was entered into the computer. As a result, 10% Dextran with 5% Dextrose solution was delivered to the nursery. This error was not noticed before the solution was administered to Baby C.L. or before the day shift ended on December 24, 1996.
10. Ms. Klemmer, who worked the evening shift on December 24, 1996, assisted the treating physician in starting an intravenous (IV) line on Baby C.L.
11. Once the IV line was established, Ms. Klemmer started the infusion of the 10% Dextran with 5% Dextrose solution without noticing the medication error. Ms. Klemmer worked the remainder of the evening shift without noticing the medication error.
12. Ms. Kurtti followed Ms. Klemmer on the night shift which began on December 24, 1996, and concluded on December 25, 1996. During that shift, she administered a bolus through the IV to Baby C.L., in response to a doctor's order, but did not notice the medication error on her shift.
13. Ms. Kujawa worked the next shift, beginning at 7:30 a.m. on December 25, 1996. At 11:30 a.m. she changed Baby C.L.'s IV bag and noticed the medication error. Ms. Kujawa immediately ordered a bag of Dextrose, changed the IV solution, and contacted the physician on-call.
14. Baby C.L. was flown by helicopter to another hospital for a transfusion. He recovered with no apparent permanent effects.
15. Nurse Klemmer failed to check the intravenous bag of solution to ensure that it contained the right medication prior to its infusion on Baby C.L.
16. Nurse Kurtti failed to check Baby C.L.'s intravenous bag of solution at the beginning of her shift to ensure that it was the correct medication being administered.
17. Nurse Kujawa failed to check Baby C.L.'s intravenous bag of solution at the beginning of her shift to ensure that it was the correct medication being administered.
18. A minimally competent registered nurse should check an intravenous bag of solution to ensure that it contains the right medication prior to initiating its infusion on a patient.
19. A minimally competent registered nurse should check an intravenous bag of solution at the beginning of his or her shift to ensure that the correct medication is being administered.

CONCLUSIONS OF LAW

1. The Nursing Board has jurisdiction in this matter pursuant to §441.07, Wis. Stats.
2. By having failed to check the intravenous bag of solution for Baby C.L. as set forth in Findings of Fact 10-11 and 15, Ms. Klemmer violated the nursing standard of care for “assessment,” contrary to Wis. Admin. Code §§ N 7.03(1)(a) and 6.03(1)(a).
3. By having failed to check the intravenous bag of solution for Baby C.L. as set forth in Findings of Fact 13 and 17, Ms. Kujawa violated the nursing standard of care for “assessment,” contrary to Wis. Admin. Code §§ N 7.03(1)(a) and 6.03(1)(a).
4. By having failed to check the intravenous bag of solution for Baby C.L. as set forth in Findings of Fact 12 and 16, Ms. Kurtti violated the nursing standard of care for “assessment,” contrary to Wis. Admin. Code §§ N 7.03(1)(a) and 6.03(1)(a).

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Lynn M. Klemmer, Carol J. Kujawa, and Brenda K. Kurtti are **REPRIMANDED**.

IT IS FURTHER ORDERED that Ms. Klemmer and Ms. Kurtti take and successfully complete a course of study approved by the Board of Nursing related to the administration of medication, including intravenous solutions, within six months of the date on which this Amended Final Order is signed.

IT IS FURTHER ORDERED that Ms. Klemmer and Ms. Kurtti shall not work in a supervisory or charge nurse capacity for one year following December 9, 2004, the date on which this order was originally signed. The Board acknowledges that Ms. Klemmer and Ms. Kurtti have now complied with this portion of the original order.

IT IS FURTHER ORDERED that the assessable costs of this proceeding are imposed upon Lynn M. Klemmer, Carol J. Kujawa, and Brenda K. Kurtti pursuant to sec. 440.22, Wis. Stats., as set forth in the Order Fixing Costs dated January 27, 2005, and that the costs together with accrued interest, shall be due and payable on or before April 10, 2006.

As provided in the Order Fixing Costs, **failure of respondents to make payment on or before that date shall constitute a violation of the Amended Order and respondents' licenses shall be suspended immediately.**

Dated this 9th day of March, at Madison, Wisconsin.

BOARD OF NURSING

Marilyn Kaufmann
On Behalf of the Board