

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
MARY JO BOORTZ LPN	:	LS0601261NUR
RESPONDENT	:	

(DOE CASE FILE 02 NUR 025)

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

Mary Jo Boortz LPN
2401 Crescent Ave.
Eau Claire, WI 54703

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

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

PROCEDURAL HISTORY

An informal complaint is pending before the Board of Nursing in this matter. By way of resolution of this case, the parties, Mary Jo Boortz, LPN, personally and by her attorney, Maureen A. Molony, Cook & Franke S.C., and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Mary Jo Boortz, LPN, Respondent herein, d/o/b August 22, 1946, of 2401 Crescent Av., Eau Claire, WI 54703, is duly licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin under license number 7742 which was granted on November 10, 1967.

2. Respondent has withdrawn her request for renewal of her license for the 2005-2007 biennium.

3. At all times relevant hereto, Respondent was employed as a licensed practical nurse at the Dove Health Care, a 140 bed skilled nursing home.

4. On September 7, 2001, A 58 year old female resident was admitted to Dove Health Care with a diagnosis of progressive multiple sclerosis.

5. On October 10, 2001, the patient exhibited signs of muscle tightening among other changes in her physical condition.

6. On October 11, 2001, the treating physician prescribed Baclofen 10 mg. three times a day for treatment of the muscle tightening.

7. On October 13, 2001, the patient's condition changed and the staff was unable to wake her sufficiently to provide nutrition or perform therapy.

8. An LPN on duty on October 13th attributed the change in condition to the Baclofen and discontinued the drug on the p.m. shift and sent a notification to the physician by facsimile.

9. October 13th was a Saturday and the physician's office was closed at the time the facsimile was sent.

10. On October 14th, Respondent held the morning and noon doses of Baclofen and the noon dose of Alprazolam.

11. Respondent did not document any reason for withholding the Baclofen and Alprazolam on October 14th and did not notify the treating physician.

12. On October 15th, Respondent again held the morning dosage of Baclofen and the noon dosage of Alprazolam.

13. Respondent did not document any reason for discontinuation of the Baclofen or Alprazolam on October 15th and did not notify the treating physician.

14. Respondent did not notify the RN on duty of the continued withholding of the medication.

15. On October 16, 2001, the patient was transferred to Luther Hospital where she was diagnosed with a cerebrovascular accident and urinary tract infection.

16. On October 16, 2001, while still at Luther Hospital, the patient was noted to have an abrasion on the left buttock with a 1 cm. open area.

17. On October 18, 2001, nursing staff at Luther Hospital charted a large, red area on coccyx with dime sized superficial ulcer.

18. On October 19, 2001, the patient was transferred back to Dove HealthCare and a .3 x .7 abrasion was charted on the right buttock, along with a 3-4 cm. bruise on the tailbone.

19. On October 21, 2001, Respondent charted the existence of the buttock abrasion and noted "POC skin integrity,

dressing intact.”

20. Respondent did not document the presence and condition of the buttock abrasion on October 22.

21. Respondent did not chart the patient’s vital signs on October 22nd when she noted a temperature of 101.1.

22. Respondent did provide updated patient status information to the physician in the form of a facsimile on October 22 and the physician responded promptly.

23. The patient was readmitted to Luther Hospital on October 22, 2001, and died on October 27, 2001 of acute staph aureus endocarditis leading to emboli to both sides of the brain with a right sided stroke.

24. Respondent has cooperated fully throughout this investigation and voluntarily agrees to entry of this Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stat. sec. 441.07.

2. The Wisconsin Board of Nursing has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent’s conduct has violated Wis. Stats. sec. 441.07 (1)(c) and Wis. Adm. Code sec. N 7.03(1) in that she failed to chart the rationale for withholding Baclofen and Alprazolam on October 14, 2001, failed to notify the RN on duty and the physician of the medication withholding , failed to chart the buttock abrasion on October 22nd and failed to chart the vital signs she took on October 22.

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that Mary Jo Boortz is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Mary Jo Boortz shall pay costs in this matter in the amount of \$800 payable to the Department of Regulation and Licensing within ninety days of the effective date of this Order. Payment of costs shall be mailed to:

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

In the event Respondent fails to timely submit any payment of the costs as ordered, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing,

IT IS FURTHER ORDERED THAT this Order is effective upon signing.

Dated at Madison, Wisconsin this 26th day of January, 2006.

STATE OF WISCONSIN
BOARD OF NURSING

Marilyn Kaufmann Ph.D., RN
A Member of the Board