

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CAROL J. NETHERY-POWELL, RN	:	LS06060810NUR
RESPONDENT	:	

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(DOE CASE FILE 03 NUR 119)

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

Carol J. Nethery- Powell, RN  
8709 40<sup>th</sup> Ave N  
New Hope, MN 55427

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. The parties in this matter, Carol J. Nethery-Powell, RN, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, 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. Carol J. Nethery-Powell, RN, Respondent herein, (D/O/B August 25, 1968) is duly licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin under license number 121039 which was first granted on August 24, 1995.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 8709 40<sup>th</sup> Ave N, New Hope, MN 55427.
3. At all times relevant to this action, Respondent was licensed and employed as a registered nurse in the State of Wisconsin.
4. A formal investigation entitled 03 NUR 119 is pending before the Wisconsin Board of Nursing.
5. On April 22, 2003, Respondent was employed at the Linden Grove Nursing and Rehabilitative Care Center in Linden Grove, WI and providing care and treatment to patient RG.
6. On April 22, 2003, patient RG's G-tube became dislodged and Respondent attempted to reinsert the tube.
7. Respondent did not review the admission orders prior to attempting to replace the G-tube.
8. The admission orders for Patient RG had the section permitting insertion or change of G-tube for obstruction or displacement crossed out.
9. At approximately 5:00 a.m., Respondent contacted the patient's attending physician, Scott Tilleson D.O., who ordered the patient transferred to West Allis Memorial Hospital for tube replacement "after daylight."
10. At the a.m. shift change, Respondent advised June Merget, RN of the dislodged G-tube and suggested that Ms. Merget might wish to attempt reinsertion of the tube before the patient was transferred.
11. 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 to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).
2. Respondent's conduct in failing to execute a medical order and providing incorrect information which was contrary to the physician's order to another nurse as set forth above is a violation of Wis. Stats. sec. 441.07 (1)(b) and Wis. Adm. Code secs. N 7.03(1) (b) and (d).

## ORDER

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

IT IS FURTHER ORDERED that Carol J. Nethery-Powell, RN is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the license of Carol J. Nethery-Powell, RN is hereby LIMITED on the following terms and conditions:

1. Within six months of the effective date of this Order, Carol J. Nethery-Powell, RN shall participate in and

successfully complete three hours of continuing education in professional ethics, three hours of continuing education in assessment and documentation, and three hours in GI/supplemental feeding and nutrition.

2. Carol J. Nethery-Powell, RN shall be responsible for locating the course/s required under this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the course/s from the Wisconsin Board of Nursing prior to commencement of the programs.

3. Within 30 days after the course/s identified in paragraph one above are concluded, Carol J. Nethery, RN shall file with the Wisconsin Board of Nursing certifications from the sponsoring organization of her attendance at the required course/s. The documents shall be mailed to the Department Monitor listed below.

4. All costs of the educational programs shall be the responsibility of the Carol J. Nethery-Powell, RN.

IT IS FURTHER ORDERED that Carol J. Nethery-Powell, RN, shall pay costs in this matter in the amount of four hundred and fifty dollars (\$450.00) 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

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 Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license (#121039) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Dated at Madison, Wisconsin this 8<sup>th</sup> day of June, 2006.

STATE OF WISCONSIN  
BOARD OF NURSING

Marilyn Kaufmann  
A Member of the Board