

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
	:	
MARGARET BJELDE, RN,	:	LS0607131NUR
RESPONDENT.	:	

03NUR330

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

Margaret Bjelde, RN
3812 Cardinal Point Trail
Verona, WI 53593

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 & 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 Wisconsin Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Margaret Bjelde, date of birth 10/16/49, is duly licensed as a registered nurse in the state of Wisconsin, license # 71433. This license was first granted on 09/29/78.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3812 Cardinal Point Trail, Verona, Wisconsin 53593.
3. At all times relevant to this action, Respondent was working as a registered nurse at Meriter Hospital in Madison, Wisconsin.
4. On 7/23/03, Respondent was functioning as the circulating nurse in the operating room for a surgery performed on the patient, R.G. As circulating nurse, Respondent was responsible for determining the final count of all sponges used during the surgical procedure. Respondent counted the sponges and believed that the sponge count was correct. The surgeon closed the surgical wound. The patient developed post-operative complications and it was determined that the patient had retained a laparotomy sponge in his abdomen. The surgeon re-explored the patient's abdomen on 8/8/03 and removed the sponge.
5. Subsequent to this incident, the Hospital Policy/Procedure, Sponge, Sharps and Instrument Counts, was revised significantly at the urging of Respondent and with her input and assistance. The new Policy/Procedure is consistent with the recommended practices of the Association of Operating Room Nurses (AORN). One major change involves the use of clear, compartmentalized sponge counter bags in the operating room, which permits the nurses and technicians to easily view the individual sponges used during a procedure. In addition, the Respondent, along with the surgeons with whom she generally works, have developed an informal practice of requiring mandatory "Quiet Time" in the operating room during sponge counts. This reduces the distractions that can occur during the count and allows the nurses and technicians to remain focused on the task at hand. The Respondent has also made certain changes in the way she organizes supplies and instruments and deals with surgeons with regard to supplies and instruments in an effort to minimize her need to leave the operating room unexpectedly during a procedure.

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. The conduct described in paragraph 4, above, constitutes a violation of Wis. Admin. Code § N 7.03(1)(b).
3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Margaret Bjelde, RN, is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within 90 days from the date of this Order, pay costs of this proceeding in the amount of \$876.53. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and 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

3. 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, the Respondent's license # 71433 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

July 13, 2006
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARGARET BJELDE, RN,	:	LS# _____
RESPONDENT.	:	

03NUR330

It is hereby stipulated between Margaret Bjelde, RN, and by her attorney, Alice K. Page, Quarles & Brady LLP; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement, case #03NUR330. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Wisconsin Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Margaret Bjelde
3812 Cardinal Point Trail
Verona, WI 53593

Date

Alice K. Page
Quarles & Brady LLP
Attorney for Margaret Bjelde
One South Pinckney St.
P.O. Box 2113
Madison, WI 53701-2113

Date

Gilbert C. Lubcke, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date