

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**
:
STEVEN E. LAUER, R.N., : LS-0608012-NUR
RESPONDENT. :

Division of Enforcement Case #03 NUR 207

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

Steven E. Lauer, RN
7704 328th Ave.
Burlington, WI 53105

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

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on or about 8/1/06. Before a hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has now reviewed this Stipulation, and approves it..

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

FINDINGS OF FACT

1. Steven E. Lauer (D.O.B. 2/24/57) is duly licensed in the state of Wisconsin as a professional nurse (license # 91565). This license was first granted on 8/31/85. At all times material to the facts described below, Respondent was an Executive Director of Alterra, an agency licensed to operate Community Based Residential Facilities, and was responsible for the training and supervision of all staff, including nursing and non-nursing personnel, at Alterra Wynwood—Kenosha, the CBRF where the facts described below took place.

2. Some residents of the CBRF required staff to inject them because they were insulin-dependent diabetics, and unable to inject themselves. Wis. Adm. Code § HFS 83.33(3)(e)2.b. states: “Injections shall be administered by a licensed practical nurse who is competent to perform the task. Administering an injection may be delegated to a CBRF staff member by and be administered under the supervision of a registered nurse.” On the date described below, Respondent was the only professional nurse on staff who was responsible for this facility, and there was no practical nurse on site; although Respondent normally had a nurse on staff to perform these clinical functions, the previous nurse had left the agency. The agency was actively recruiting for a replacement, but had not yet hired one, nor had a nurse been obtained from a temporary staffing agency to fulfill these duties pending the hiring of a staff nurse.

3. On 8/7/03, Alterra Wynwood—Kenosha CBRF resident RS, a brittle diabetic, was scheduled to be injected with insulin before breakfast by a CBRF staff member who was not a nurse. At that time, the staff member had not received

formal training in how to perform such injections or in documenting the injections, but had instead learned how to do this by observing another non-nurse staff member. The staff member had not reviewed the appropriate steps or documentation with a nurse or other qualified person, nor was any training of staff documented in the area of injecting insulin. On this day, the resident was injected with the morning insulin dose at approximately 7:00 AM, although breakfast would not be served until 8:00 AM, and the resident should not have been injected until within 30 minutes before starting to eat. As a result, the resident had a hypoglycemic episode (with blood glucose of 20) and was taken to the hospital, where the resident recovered without incident. Additionally, injection sites were not being documented and rotated, and the resident's body had bruising from repeated injections in nonstandard sites.

4. Following this incident, a formal training program was instituted and all staff with injection duties were trained in how to perform and document such injections.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code §§ N 7.03(1)(a) and 6.03(3); and N 7.04(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached stipulation is ACCEPTED, and that:

1. Steven E. Lauer, RN, Respondent, is REPRIMANDED for his unprofessional conduct in this matter.

2. The license of Respondent to practice as a nurse in the state of Wisconsin is LIMITED as follows: Respondent shall, no later than 9/30/07, take and successfully complete ten hours of continuing education in the following areas: nursing delegation and supervision, and devising and implementing systems to prevent medication errors. All such continuing education shall be proposed to, and pre-approved by, the Board or its designee, through the Department Monitor. Following approval and successful completion of the programs, Respondent shall furnish the Department Monitor with proof of such successful completion, and his license shall be restored to unlimited status without further action by the Board.

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 timely submit any payment of the Costs as set forth below, or fails to comply with the ordered continuing education, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$1,960, no later than February 28, 2008. In the event Respondent fails to timely submit any payment of costs, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

WISCONSIN BOARD OF NURSING

By: Marilyn Kaufmann
A Member of the Board

1/25/07
Date