

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE WISCONSIN BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
 :
ESTHER LORENZ FISCHER, LPN : FINAL DECISION & ORDER
 : FOR REMEDIAL EDUCATION
LICENSEE : LS0701255NUR
 :

Division of Enforcement Case # 03NUR314

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

Esther Lorenz Fischer, LPN
N3088 Hayton Road
New Holstein, WI 53061

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. Esther Lorenz Fischer, LPN, (DOB 11/13/1942) is duly licensed as a licensed practical nurse in the state of Wisconsin (license #26134). This license was first granted on 05/26/1983.
2. Esther Lorenz Fischer's most recent address on file with the Wisconsin Board of Nursing is N3088 Hayton Road, New Holstein, Wisconsin 53061.
3. At all times relevant to this action, Esther Lorenz Fischer was working as a licensed practical nurse at Chilton Care Center.
4. At approximately 4:00 p.m. on November 19, 2003, Resident AC's oxygen saturation was 93. At approximately 1:00 a.m. on November 20, 2003, Resident AC's oxygen saturation was 92.
5. At approximately 3:00 p.m. on November 20, 2003, Resident AC's oxygen saturation was 82. A nurse's aide brought the low oxygen saturations to Esther Lorenz Fischer's attention. Esther Lorenz Fischer entered in the chart that the oxygen saturations are 82 and that she notified the physician and family regarding the oxygen saturation at 82.

6. At the time Esther Lorenz Fischer made the entry, she had not contacted the family or the physician regarding the change of condition. Prior to leaving at the end of her shift, she asked another licensed practical nurse to make the contact. She did not contact the family or the physician prior to leaving the facility at the end of her shift.

7. The physician and family were notified at approximately 5:30 p.m. by another licensed practical nurse. Resident AC was admitted to Calumet Medical Center that evening and was discharged on November 26, 2003.

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 Wisconsin Medical Examining Board has the authority, pursuant to Wis. Stat. § 440.22, to assess the costs of this proceeding.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Esther Lorenz Fischer, will, within nine (9) months of the date of this Final Decision And Order, take and complete six (6) hours of continuing education credits in the areas of respiratory problems in the elderly and the role of the licensed practical nurse. Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Board of Nursing or its designee. Esther Lorenz Fischer will be responsible for locating courses satisfactory to the Board of Nursing and for obtaining the required approval of the courses from the Board of Nursing or its designee. Esther Lorenz Fischer will within 60 days of completion of this educational requirement file an affidavit with the Board of Nursing stating under oath that she has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

All certifications, affidavits or other documents required to be filed with the Board of Nursing will be deemed filed upon receipt by the Department Monitor.

2. Esther Lorenz Fischer will be responsible for paying the full cost of attendance at these courses.

IT IS FURTHER ORDERED that:

3. Esther Lorenz Fischer shall, within ten (10) months from the date of this Order, pay costs of this proceeding in the amount of one thousand two hundred fifty dollars (\$1,250.00). 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

4. In the event Esther Lorenz Fischer fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Esther Lorenz Fischer's license (#26134) SHALL BE SUSPENDED, without further notice or hearing, until Esther Lorenz Fischer has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Esther Lorenz Fischer is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Esther Lorenz Fischer is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

1/25/07
Date

STATE OF WISCONSIN
BEFORE THE WISCONSIN BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
 :
ESTHER LORENZ FISCHER, LPN : STIPULATION
LICENSEE : LS# _____
 :
 :

Division of Enforcement Case # 03NUR314

It is hereby stipulated between Esther Lorenz Fischer, LPN, and Pamela M. Stach, 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 # 03NUR314). 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 him/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 been provided an opportunity to obtain the 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 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.

Esther Lorenz Fischer
N3088 Hayton Road
New Holstein, WI 53061

Date

Pamela M. Stach, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date