

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
JOSEPH E. URBAN, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS07041912NUR
 :

Division of Enforcement Case # 06 NUR 080

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

Joseph E. Urban, R.N.
1558 Collins Street
Neenah, WI 54956

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

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 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. Joseph E. Urban, R.N., (DOB 03/14/1952) is duly licensed as a registered nurse in the state of Wisconsin (license # 30-11456). This license was first granted on September 11, 1992.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1558 Collins Street, Neenah, Wisconsin, 54956.
3. On March 1, 2006, Respondent was employed as an R.N. at Franciscan Care & Rehabilitation Center, in an Alzheimer's/Dementia unit. During the first two hours of his shift, Respondent made the following errors and omissions:
 - (a) Respondent administered 25 medications prior to the designated time frame, and charted the time frame falsely (for example, 8:00 p.m. medications given at 4:00 p.m. and charted as having been given at 8:00 p.m.).

- (b) Respondent administered Diphenoxylate/Atropine in a two dose increment to Resident R.V. when he should have gotten one dose.
- (c) Respondent administered Alprazolam/Xanax to Resident E.V. at 4:00 p.m. and documented that the results were effective shortly upon administration. This medication has an onset period of 30 minutes and peaks in 1-2 hours to show true effectiveness.
- (d) Respondent documented that he had removed a Nitroglycerin 0.6 mg/hr patch from Resident F.H.'s body at 4:00 p.m., but the patch was found, still on Resident F.H.'s body, at bedtime.
- (e) Resident administered Alprazolam/Xanax to Resident R.V. at 4:00 p.m., but signed out on the proof of use form that it was given at 7:00 p.m.
- (f) Respondent failed to document any behaviors on the psychoactive drug record along with administration of medications as required.

4. Respondent underwent a drug test on March 1, 2006, which was negative.

5. A review of past performance issues revealed that:

- (a) Respondent on multiple occasions dropped Resident F.H.'s Hydrocodone.
- (b) Respondent under-dosed Resident H.L. by 30 ml of Roxicet on February 22, 2006.
- (c) Respondent's medication count was off by 7-15 pills, resulting in six different medications needing to be destroyed.
- (d) Respondent dropped Resident I.W.'s diazepam twice, requiring a third dose to be administered.
- (e) Respondent administered two doses of Alprazolam/Xanax to Resident R.V. at 6:00 p.m. when the physician's order stated that R.V. should have one tablet daily as needed.
- (f) Respondent under-dosed Resident E.D. by 15 milliliters of Roxicet on February 23, 2006.
- (g) Respondent manipulated Resident's E.D.'s Alprazolam/Xanax proof of use sheet to make it appear there was more left than there was.
- (h) Respondent falsified documentation regarding administration of medications 37 times since January of 2006.

6. Respondent states that he was trained to give medications when he could get the patients to take them, and to document that they were given at the ordered time. Respondent states that he informed the manager of Unit 1 and 2 of this practice and asked about changing medication times to correspond with when meds were actually given. According to the respondent he was informed that this was not an option.

7. Regarding the allegation that 25 meds were given prior to the designated time on March 1, 2006, respondent indicates that he was pulled off the unit mid shift to participate in a drug screen and was told by the acting DON to sign off his meds prior to speaking with the administrator and the department of human resources.

8. Respondent states that the allegation that he dropped multiple meds happened on two occasions to his knowledge. He was working on a dementia unit with numerous disruptive behaviors and interruptions. He states that at time a pill would drop on the floor, and he chose to dispense a new medication and documented it as such.

9. Respondent states that he attempted to clarify and correct situations at his facility through the chain of command and he believes that the basis for these allegations was retaliation for his questioning of management.

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 paragraphs 3 and 5 above constitutes a violation of Wis. Admin. Code § N 7.03(1)(b) and subjects respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

ORDER

IT IS ORDERED:

1. Joseph E. Urban, R.N. is REPRIMANDED.
2. The license of Joseph E. Urban, R.N. to practice nursing in the state of Wisconsin, and his privilege to practice nursing in Wisconsin pursuant to the Multi-state Nursing Licensure Compact, is LIMITED as follows:
 - (a) Respondent, at his own expense, shall complete three (3) hours of pre-approved continuing education in medication administration and three (3) hours of pre-approved continuing education in nursing documentation, within 90 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90 day time frame, taking into account the board's meeting schedule.
 - (b) For a minimum of two years from the date of this order, Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
 - (c) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
 - (d) It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
 - (e) Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
 - (f) Pursuant to Uniform Nursing Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation and any subsequent related limitations. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and of the regulatory board in the state in which Respondent proposes to practice.
 - (g) After two years, Respondent may petition the Board to end this limitation. If the Board, in its discretion, continues the limitation beyond two years, Respondent may request a hearing on the continuation of the limitation under Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the continuation of the limitation during the pendency of the hearing process.
3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Dollars (\$1,000.00). 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
Telephone (608) 267-3817
Fax (608) 266-2264

4. 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 (# 30-11456) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

4/19/07
Date

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
JOSEPH E. URBAN, R.N., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 06 NUR 080

Joseph E. Urban, R.N., personally on his own behalf and by his attorney, Catherine McGinn, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 06 NUR 080). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 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 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 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 his 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.

Joseph E. Urban, R.N.
1558 Collins Street
Neenah, WI 54956

Date

Catherine McGinn,
Attorney for Joseph E. Urban, R.N.
1558 Collins Street
Neenah, WI 54956

Date

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

Date