

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
LOLA ANN IHLENFELDT, R.N., : LS0705173NUR
RESPONDENT. :

[Division of Enforcement Case # 04 NUR 055]

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

Lola Ann Ihlenfeldt, R.N.
2645 Wisconsin Street
Oshkosh, WI 54901

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

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lola Ann Ihlenfeldt, R.N., formerly Banville, ("Respondent"), date of birth November 23, 1950, is duly licensed as a registered nurse in the state of Wisconsin (license # 56319). Respondent's license was first granted on September 20, 1972.
2. Respondent's address of record with the Wisconsin Board of Nursing is 2645 Wisconsin Street, Oshkosh, WI 54901.
3. At all times relevant to this action, Respondent was working as a registered nurse at LaSalle Surgery Center, 1550 Midway Place, Menasha, Wisconsin. The events described in paragraphs 7-21 all occurred there.
4. On February 25, 2004, Respondent was terminated from her position at LaSalle Surgery Center for conduct outside the scope of nursing practice. The employer alleged that on February 24, 2004, Respondent had administered narcotics (morphine and Demerol) in excess of those prescribed by physicians.
5. Pursuant to Wis. Stat. §§ 961.16(2)(a)10 and 961.16(3)(k), morphine and Demerol (meperidine) are schedule

II controlled substances, and may be distributed only by those with legal authority to do so.

6. Respondent is neither a physician nor a nurse prescriber, and is otherwise without authority to prescribe schedule II controlled substances.

COUNT I

7. On February 24, 2004, Patient MD underwent laparoscopic repair of an umbilical hernia.

8. After surgery, Patient MD's physician prescribed, "Morphine Sulfate, 1-2 mg. IV q 5 min. PRN to a maximum of 20 mg."

9. Despite the physician's written order, according to Patient MD's medication record, Respondent administered 4 mg doses of morphine at 3:52 pm, 4:04 pm, 4:15 pm and 4:25 pm. Each dose of morphine was twice the prescribed dose.

10. Patient MD's physician also prescribed, "Demerol 12.5 mg IV q 10 min. PRN to a maximum of 75 mg."

11. Despite the physician's written order, according to Patient MD's medication record, Respondent administered 25 mg doses of Demerol at 3:14 pm and again at 3:57 pm. Each dose was twice that prescribed.

COUNT II

12. On February 24, 2004, Patient LE underwent a laparoscopic cholecystectomy with intraoperative cholangiograms.

13. After surgery, Patient LE's physician prescribed, "Morphine Sulfate, 1-2 mg. IV q 5 min. PRN to a maximum of 20 mg."

14. Despite the physician's written order, according to Patient LE's medication record, Respondent administered 2 mg doses of morphine at 2:27 pm, 2:32 pm and 2:43 pm. Respondent administered one 4 mg dose of morphine at 2:36, four minutes after the 2:32 pm dose. The morphine Respondent administered at 2:36 was twice the prescribed dose, and was administered one minute earlier than the prescription allowed.

15. Patient LE's physician also prescribed, "Demerol 12.5 mg IV q 10 min. PRN to a maximum of 50 mg."

16. Despite the physician's written order, according to Patient LE's medication record, Respondent administered 25 mg doses of Demerol at 2:08 pm and again at 2:22 pm. Each dose was twice that prescribed.

COUNT III

17. On February 24, 2004, Patient DM underwent a laparoscopic cholecystectomy with intraoperative cholangiograms, a liver biopsy, and removal of two skin lesions.

18. After surgery, Patient DM's physician prescribed, "Morphine Sulfate, 1-2 mg. IV q 5 min. PRN to a maximum of 24 mg."

19. Despite the physician's written order, according to Patient DM's medication record, Respondent administered 4 mg doses of morphine at 9:30 am, 9:45 am, 9:50 am, 9:55 am and 10:00 am. The doses of morphine Respondent administered to Patient DM were twice that prescribed by the physician.

20. Patient DM's physician also prescribed, "Demerol 25 mg IV q 10 min. PRN to a maximum of 75 mg."

21. Despite the physician's written order, according to Patient DM's medication record, Respondent administered 25 mg doses of Demerol at 9:35 am and again at 9:40 am. Respondent administered the Demerol at 5 minute intervals, rather

than the ten minute intervals prescribed.

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 administered schedule II controlled substances in a manner other than as prescribed by a physician. The behaviors described in Counts I, II and III, above, constitute conduct outside the scope of nursing practice, in violation of Wis. Admin. Code § N 7.04(5).

3. Respondent administered schedule II controlled substances in a manner other than as prescribed by a physician. Pursuant to Wis. Admin. Code § N 7.04(intro), the behaviors described in Counts I, II and III, above, constitute misconduct because they “violate the minimum standards of the profession necessary for the protection of the health, safety or welfare” of Respondent’s patients.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Lola Ann Ihlenfeldt, R.N., formerly Banville, is hereby REPRIMANDED.
2. Respondent’s license is LIMITED, by the condition that she shall, within six (6) months of the date of this Order, provide proof sufficient to the Board, or its designee, of her satisfactory completion of six (6) hours of continuing education in medication administration, including laws pertaining to controlled substances.
 - a) Respondent shall obtain approval, in advance, from the Wisconsin Board of Nursing or its designee for any course or courses she intends to take in compliance with this Order. No part of any course Respondent completes without having obtained advance approval from the Board or its designee may be credited toward compliance with this Order.
 - b) Respondent is solely responsible for all costs associated with compliance with this Order.
 - c) Upon Respondent providing proof sufficient to the Board, or its designee, that she has completed the education, the Board shall issue an Order removing this limitation of Respondent’s license.
3. Respondent shall, within sixty (60) days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,008.17 pursuant to Wis. Stat. § 440.22(2).
4. Requests for approval, notification of completion of educational program(s) and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

5. 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, Respondent’s license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this

Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

5/17/07

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
LOLA ANN IHLENFELDT, R.N., : STIPULATION
RESPONDENT. : LS _____ NUR

[Division of Enforcement Case # 04 NUR 055]

It is hereby stipulated between Lola Ann Ihlenfeldt, R.N., Respondent; Howard T. Healy, Jr., of DiRenzo & Bomier, LLC, attorneys for Respondent; and Sandra L. Nowack, attorney for the Complainant, 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 04 NUR 055). 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 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 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 a case advisor in this investigation may appear before the Board in open or closed session, without the presence of 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 case 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, she will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Lola Ann Ihlenfeldt, R.N.
Respondent
2645 Wisconsin Street
Oshkosh, WI 54901

Date

Howard T. Healy, Jr.
DiRenzo & Bomier, LLC
Attorneys for Respondent
231 E. Wisconsin Avenue
P.O. Box 788
Neenah, WI 54957-0788

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date