

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
MICHELLE M. MAY, L.P.N.,	:	LS0807249NUR
RESPONDENT.	:	

[Division of Enforcement Case # 05 NUR 103]

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

Michelle M. May, L.P.N.
520 S. 3rd Street
Delavan, WI 53115

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 and 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Michelle M. May, L.P.N., Respondent, date of birth March 10, 1970, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 34042, which was first granted February 19, 1997.
2. Respondent's last address reported to the Department of Regulation and Licensing is 520 S. 3rd Street, Delavan, WI 53115.
3. From April 16, 2002 until her employment was terminated on March 22, 2005, Respondent was employed as a licensed practical nurse (LPN) at Willowfield Nursing & Rehabilitation Center (Willowfield) in Delavan, Wisconsin.
 - a. On April 23, 2002, Respondent completed a program in “Enhancing Infusion Therapy Practice in the Long Term Care Setting,” sponsored by Roeschen’s Omnicare Pharmacy.
 - b. Respondent became an LPN Supervisor on June 28, 2003.
 - c. On her last Willowfield performance appraisal on May 27, 2004, Respondent exceeded expectations in her charting and met expectations in all other categories.
4. On February 20, 2005, Mr. A (DOB 2/3/56) was involved in a motor vehicle accident and sustained multiple injuries to both the right upper and lower extremities as well as a left orbital fracture. Following his discharge from

Froedtert Memorial Lutheran Hospital, Mr. A was admitted to Willowfield for rehabilitation. His care and treatment included IV antibiotic therapy.

5. On March 19, 2005, Mr. A's IV line became occluded:

- a. Respondent attempted several times to flush the line with Heparin and a saline solution but was unsuccessful.
- b. Respondent did not call the RN or the physician, nor did she check the facility's policies for the care and maintenance of IV therapy. Instead, Respondent asked another LPN what she should do.
- c. The other LPN said she did not know, but said perhaps Respondent should flush the IV with cola because cola had been used to unplug gastrostomy tubes.
- d. Respondent tried to flush the IV three times by injecting 3 ccs of cola into the IV tube and was successful in clearing the line. Respondent then infused the antibiotic without difficulty and after the antibiotic was completed, flushed the IV with 3 ml of normal saline and 3 ml of Heparin.

6. At the end of Respondent's shift, she told the RN house supervisor what she had done, but did not chart it in Mr. A's medical record.

7. The next day, the Director of Nursing had Mr. A examined by a physician for any adverse reaction. The evaluation showed no negative effects. Respondent then made a late entry in the record about what had happened.

8. This is the only complaint about Respondent's practice received by the Board or the Department in the 11 years Respondent has been licensed and practicing in Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, has engaged in behavior which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(intro) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by failing to consult with an RN on how to clear the IV line, violated the standards of practice for an LPN, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 6.05, and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Michelle M. May, L.P.N., is hereby REPRIMANDED for the above conduct.

2. Respondent's license is LIMITED as follows:

- a. Within 180 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of twelve (12) hours of continuing education in the following areas: six (6) hours in risk management/prevention of errors; three (3) hours on the LPN role in IV therapy; and three (3) hours in legal aspects of the LPN role, which courses shall first be approved by the Board, or its designee.

- b. 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 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$325.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

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

5. In the event that 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

7/24/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MICHELLE M. MAY, L.P.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 05 NUR 103]

It is hereby stipulated and agreed, by and between Michelle M. May, R.N., Respondent; and John R. Zwieg, 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 (file 05 NUR 103). 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 been provided the opportunity to obtain 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. 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 the 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 ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Michelle M. May, L.P.N.
Respondent
520 S. 3rd Street
Delavan, WI 53115

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date