

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
MARY L. LIETZ, LPN, : LS0901227NUR
RESPONDENT. :

Division of Enforcement Case No.
06NUR184; 07NUR101

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

Mary L. Lietz, LPN
18153 Sunset Bay Lane
Townsend, WI 54175

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. Mary L. Lietz, LPN, the Respondent herein, date of birth 2/15/46, is duly licensed as a practical nurse in the state of Wisconsin, license #25152. This license was first granted on 6/3/82.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 18153 Sunset Bay Lane, Townsend, Wisconsin 54175.
3. At all times relevant to this action, Respondent was working as a licensed practical nurse at the Crandon Nursing Home in Crandon, Wisconsin.
4. On 2/23/06, the results of a urinalysis indicated that the patient, M.G.C., had a urinary tract infection and the physician covering for the patient's regular physician was contacted. The physician prescribed Septra DS for the patient and the order was transmitted by telephone to the Respondent at 1620 on 2/23/06. At 1640 on 2/23/06, the Respondent obtained Bactrim DS (Septra DS) from the emergency medication supply and administered it to the patient. The Respondent did not review the patient's record and did not note that the patient's record indicated that the patient was allergic to sulfa drugs and, therefore, to Septra DS and Bactrim DS, before she recorded the order in the patient's record and before she administered the initial dose of the medication to the patient at 1640 on 2/23/06. The patient developed abdominal discomfort and nausea and refused her next dose of Bactrim DS on the morning of 2/24/06. The physician ordered Compazine to be given one half hour prior to administering the Bactrim DS to reduce abdominal discomfort. The nurse caring for the patient gave the Compazine as directed followed by the Bactrim DS. Shortly after the second dose of the Bactrim DS was administered to the patient, the nurse caring for the patient discovered that the patient was allergic to sulfa drugs and notified the physician that the patient had taken the Bactrim DS. The physician ordered that the Bactrim DS be discontinued and that the patient be administered Benadryl as needed in the event of an allergic reaction. The Benadryl was not given because the patient appeared to be doing well and did not appear to be experiencing an allergic reaction to the Bactrim DS. At approximately 0300 on 2/25/06, the patient became short of breath and was transported to the emergency room at the local hospital. The patient's condition continued to deteriorate and the patient was pronounced dead at 0505 on 2/25/06.
5. The patient, M.A.C., had a cough and on 3/5/07 the patient's physician gave an order for Robitussin cough syrup. At 0555 on 3/7/07, the Respondent, erroneously administered Mytussin AC, a cough syrup with codeine, to the patient. The patient had a sensitivity to codeine generally manifested by gastrointestinal upset. The patient did not, in fact, experience any adverse consequences attributable to this medication error.
6. On 11/5/07, during the ongoing negotiations to achieve a stipulated resolution to this matter, the Respondent enrolled in and completed the course "Medication Safety: Assuring Safe Outcomes" and obtained a passing score of 92.7% on the examination given in conjunction with this course. The Respondent received a "Certificate of Completion" dated 11/5/07 certifying that the Respondent has satisfactorily completed this course for a total of 6 contact hours of continuing education. A copy of this "Certification of Completion" is attached hereto and incorporated herein.

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 through 5, above, constitute violations of Wis. Admin. Code § N 7.03(1)(b) in that Mary L. Lietz engaged in acts and omissions demonstrating failures to maintain competency in practice and methods of nursing care.
3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Mary L. Lietz.
4. This Final Decision and Order shall not be construed as a Board of Nursing finding of caregiver misconduct, abuse or neglect of a client, or misappropriation of the property of a client within the meaning of Wis. Stat. §§ 48.685 and

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Mary L. Lietz, LPN is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Mary L. Lietz, LPN to practice as a licensed practical nurse in the state of Wisconsin is hereby limited as follows:

- a. Mary L. Lietz will within 6 months of the effective date of this Final Decision and Order take and satisfactorily complete 6 credit hours of continuing education in avoiding and minimizing medication errors and an additional 6 credit hours of continuing education in pharmacology. The continuing education courses taken in satisfaction of these requirements will be pre-approved by the Board of Nursing or its designee. Mary L. Lietz will attend each of the courses taken in satisfaction of these requirements in its entirety. Each internet course taken in satisfaction of these requirements will include an examination to test the Respondent's knowledge of the subject matter administered after the course is completed. The Respondent, to be given credit for the course in satisfaction of the above referenced requirements, must achieve a passing score on the examination of 75% or greater.

- b. The Board of Nursing approves the course "Medication Safety: Assuring Safe Outcomes" and accepts the "Certification of Completion" dated 11/5/07 as satisfying Mary L. Lietz's requirement to complete 6 credit hours of continuing education in avoiding and minimizing medication errors.

- c. Mary L. Lietz will within 60 days of completion of the required continuing education courses provide evidence satisfactory to the Board of Nursing that she has attended each of the approved courses in its entirety and has achieved a passing score on the examination. This evidence will include:

- i. Certification of attendance from the sponsoring organization; and

- ii. Affidavit given under oath by Mary L. Lietz verifying that she has
attended each of the approved courses in its entirety.

- d. Mary L. Lietz will pay all costs of attending the approved courses and of verifying attendance at the courses.

- e. All requests for approval of courses, certifications of attendance, affidavits, quarterly reports and other documents required to be filed with the Board of Nursing will be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone no. (608) 267-3817
Fax (608) 266-2264

- f. The limited license will terminate and Mary L. Lietz's license to practice as a practical nurse will be restored to full and active status without the necessity for a petition to the Board of Nursing or an appearance before the Board of Nursing if:

- i. The Department Monitor receives the documentation of satisfactory completion of the continuing education courses as required by this Order, and
- ii. All terms of this Final Decision and Order have been complied with.

IT IS FURTHER ORDERED that:

3. Mary L. Lietz will pay the costs of this proceeding in the amount of \$ 2,660.07 within 1 year of the effective date of this Final Decision and Order. Payment will 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 Mary L. Lietz's license. The Board of Nursing, 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 Mary L. Lietz fails to pay costs as ordered or fails to comply with the ordered continuing education, Mary L. Lietz's license #25152 SHALL BE SUSPENDED, without further notice or hearing, until Mary L. Lietz has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

1/22/09
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARY L. LIETZ, LPN,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case No.
06NUR184; 07NUR101

It is hereby stipulated between Mary L. Lietz, LPN, Respondent herein, and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending investigations of Respondent's licensure by the Division of Enforcement, cases #06NUR184 and 07NUR101. 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 an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. Respondent neither admits nor denies the factual assertions set forth in the Findings of Fact in the Final Decision and Order but agrees to permit the Board of Nursing to adopt and enter the attached Final Decision and Order as the final resolution of this matter. 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 these investigations 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. The Respondent understands that the attorney or other agent for the Division of Enforcement or the case advisor, in responding to questions asked by the Board, may be required to provide information to the Board of Nursing which may be construed by the Board of Nursing as not weighing in favor of accepting this proposed Stipulation and Final Decision and Order. The Respondent shall not contend that any responses made by the attorney or other agent for the Division of Enforcement or by the case advisor in response to questions posed by the Board constitute a failure by the attorney or other agent for the Division of Enforcement or by the case advisor to speak in support of this agreement. 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.

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Mary L. Lietz, LPN	Date
18153 Sunset Bay Lane	
Townsend, WI 54175	

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Gilbert C. Lubcke, Attorney	Date
Division of Enforcement	
Wisconsin Department of Regulation and Licensing	
P.O. Box 8935	
Madison, WI 53708-8935	