

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
KELLI M. LOOSE, R.N.,	:	LS0901228NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 179]

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

Kelli M. Loose, R.N.
W1192 Ortlepp Road
Hilbert, WI 54129

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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kelli M. Loose, R.N., Respondent, date of birth May 4, 1982, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 151100, which was first granted July 22, 2005.
2. Respondent's address of record with the Department of Regulation and Licensing is W1192 Ortlepp Road, Hilbert, WI 54129.
3. At all times relevant to this matter, Respondent was employed as a registered nurse at Theda Clark Medical Center (TCMC) in Neenah, Wisconsin.
4. On March 30, 2008, Respondent was working as a charge nurse on a surgical/neurological unit at TCMC. At approximately 9:00 p.m., a patient decided that he wanted to go home. The registered nurse to whom the patient was assigned was a new graduate and asked Respondent to help her.
5. Respondent told the new graduate to call the physician on-call to see if he would authorize discharge of the patient. The physician was not familiar with the patient but gave the discharge order. By this time, the patient had become inpatient, angry and yelled that the process was taking too long.

6. As Respondent was addressing the discharge medications, she saw that, upon admission, the admitting physician had completed the patient's "Medication Reconciliation Report – Discharge Rx form." The physician had indicated that during the hospitalization, the patient could continue to take medications that were previously prescribed by the patient's family physician. Without speaking to the physician, Respondent wrote a verbal order for discharge medications. Respondent assumed the medications taken before the hospitalization would remain the same. Respondent signed the physician's name to the "verbal order."

7. Prior to being discharged, the patient developed a leaking incision and was held overnight.

8. The following day, the physician who saw the patient noticed the "Medication Reconciliation Report – Discharge Rx form" that Respondent had signed. The physician informed Respondent's manager that the physician whose name Respondent signed was on vacation in Florida and most likely did not give the order.

9. On April 1, 2008, Respondent met with her manager and one of the supervisors to discuss the verbal order she wrote. It was determined that Respondent had practiced outside the scope of practice under her license which was in violation of facility policy. On April 7, as a result of her conduct, Respondent's employment was terminated.

10. Respondent contended that pm nurses commonly wrote verbal orders for discharge medications without speaking to physicians. She explained that physicians sometimes became angry when they were called at night and she believed her practice to be acceptable.

11. The patient was not harmed in any way.

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 practiced beyond the scope of her license which is misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(5) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Kelli M. Loose, R.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 nine (9) hours of continuing education in the following areas: three (3) hours in nursing ethics; three (3) hours in interaction of medications; and three (3) hours in legal aspects of pharmacy medication administration, which course(s) 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 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$410.00 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

1/22/09
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
KELLI M. LOOSE, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 179]

It is hereby stipulated and agreed, by and between Kelli M. Loose, R.N., Respondent; Sally A. Stix of Stix Law Offices; attorney 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 (file 08 NUR 179). 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 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. 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, 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.

Kelli M. Loose, R.N.
Respondent
W1192 Ortlepp Road
Hilbert, WI 54129

Date

Sally A. Stix
Stix Law Offices
Attorney for Respondent
700 Rayovac Drive, Suite 117
Madison, WI 53711

Date

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

Date