

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
CAROL J. ERNER, R.N.,	:	LS0909033NUR
RESPONDENT.	:	

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Division of Enforcement Case # 08 NUR 202

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

Carol J. Erner, R.N.  
P.O. Box 581  
Dickeyville, WI 53808

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 this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Carol J. Erner, R.N., (DOB 09/14/1947) is duly licensed as a registered nurse in the State of Wisconsin (license #116255-30). This license was first granted on April 26, 1994.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is P.O. Box 581, Dickeyville, Wisconsin 53808.
3. At all times relevant to this action, Respondent was working as a registered nurse at Southwest Health Center in Cuba City, Wisconsin.
4. Respondent admitted that in the early part of 2008 that on, at least, two occasions she “changed out” Resident JO’s call light for a non-functioning call light. Respondent states that she believed leaving a non-functioning call light in Resident

JO's hand was appropriate as long as he had a functioning call light available to him. Respondent also felt it would be considered patient abuse to try to pry the call light from Resident JO's hand since he was unwilling to let the call light go. Witnesses state Respondent purposely left the call light in Resident JO's hand.

5. Resident JO was a dementia patient who resided at Southwest Health Center.

### 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 paragraph 4, above, constitutes a violation of Wis. Admin. Code §§ N 7.03(1)(b) and N 7.04(4) and subjects Respondent to discipline pursuant to Wis. Stat. §§ 441.07(1)(c) and (d).

### ORDER

IT IS HEREBY ORDERED that:

1. Carol J. Erner, R.N. is REPRIMANDED.

2. The license of Carol J. Erner, R.N. to practice as a nurse in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nursing Compact, is LIMITED as follows:

- (a) Within six (6) months of the date of this order, Respondent shall provide satisfactory proof of completion of six (6) hours of continuing education in patient abuse and/or patient rights. Courses taken in satisfaction of this requirement must be pre-approved by the Board.
- (b) 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 caregiver or provides health care, currently or in the future.
- (c) For an indefinite period of not less than 6 months, Respondent shall arrange for written reports from supervisors to be provided to the Department Monitor. The work reports shall be submitted on a monthly 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 month.
- (d) 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.

3. Pursuant to Uniform Nursing Licensure Compact Regulation No. 3, Respondent's nursing practice is limited to Wisconsin during the pendency of this Order and any subsequent related orders. 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.

4. After 6 months, Respondent may petition the Board for modifications to these limitations. The Board may require a personal appearance by Respondent, in its discretion. The Board may grant or deny Respondent's petition in its discretion. If Respondent is dissatisfied with the Board's decision she may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. Requesting a hearing does not stay the Board's decision on the petition during the pendency of the hearing process.

5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of

five hundred dollars (\$500). 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  
Tel. (608) 267-3817  
Fax (608) 266-2264

6. 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 (#116255-30) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

This Order is effective on the date of its signing.

BOARD OF NURSING

By: Marilyn Kaufmann  
Member of the Board

9/3/09  
Date