

# 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
MARY JO WEBBER, R.N.,	:	<u>ORDER0000081</u>
RESPONDENT.	:	

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Division of Enforcement Case # 09 NUR 125

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

Mary Jo Webber, R.N.  
517 115<sup>th</sup> Ave.  
Amery, WI 54001

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 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 Jo Webber, R.N., (DOB 07/02/1955) is duly licensed as a registered nurse in the State of Wisconsin (license #30-158626). This license was first granted on May 30, 2007.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 517 115<sup>th</sup> Avenue, Amery, Wisconsin, 54001.

3. On or about April 15, 2009, Respondent was terminated from employment at a nursing home for refusing to give a resident coffee and cookies, and making her sit in a corner in her wheelchair instead of in a recliner. When a nursing assistant brought coffee and cookies for the resident, Respondent dumped out the coffee and put the empty cup in front of the resident, then took the cookie and left some crumbs on the plate.

4. In the process of investigating the complaint, it was discovered that Respondent had attempted suicide several months ago. Subsequent mental health records indicated that Respondent had a history of short bouts of intense anger and irritability, and a history of impulsive actions in response to distress. She was considered to be at chronic risk to act out, but was deemed safe to practice nursing if she remains compliant with treatment.

#### 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 3-4 above constitutes a violation of Wisconsin Administrative Code § N 7.03(1) and (3), and N 7.04(4), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

#### ORDER

#### IT IS ORDERED:

1. Mary Jo Webber, R.N., is REPRIMANDED.

2. The license of Mary Jo. Webber, R.N. to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- (a) Respondent, at her own expense, shall continue treatment with her psychiatrist unless and until the psychiatrist recommends that treatment be discontinued. Respondent shall execute and keep on file with her psychiatrist, the Board and the Department, a legally valid release allowing all parties to communicate with each other and exchange documents regarding her psychiatric and psychological issues. Respondent's psychiatrist shall submit quarterly reports to the Board, in a format requested by the Department Monitor.

- (b) Respondent shall immediately provide a copy of this Order to her current and future supervisors wherever she works as a nurse or other caregiver. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance.
- (c) For a period of at least two (2) years from the date of this Order, Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
- (d) Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Six Hundred Dollars (\$600.00).

4. All payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

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. 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 that Respondent fails to pay costs as ordered, Respondent's license may, in the discretion of the Board or its designee, 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: Martyn Kaufmann  
A Member of the Board

2/25/10  
Date