

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
	:	
LINDA L. PAVELKA, R.N.,	:	Order <u>0000.528</u>
RESPONDENT.	:	

Division of Enforcement Case #07 NUR 405

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

Linda L. Pavelka
3341 Libal St
Green Bay, WI 54301

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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. 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. Linda L. Pavelka (D.O.B. 7/4/52) is duly licensed in the state of Wisconsin as a professional nurse (license # 111150). This license was first granted on 9/11/92.

2. On 10/13/07, Respondent was on duty as the overnight nurse at Manorcare Health Services West, a skilled nursing facility in Green Bay, Wisconsin. A 68 year old resident who had metastatic colon cancer (Stage IV), multiple other serious conditions, and a DNR order was observed to have a change in condition at about 0130, in that he was unresponsive, lethargic, eyes rolled back, cool, and pale. The resident's wife was notified of the change in condition, and upon her arrival at about 0235, the resident was found to be diaphoretic and unable to speak, and

a breathing pattern of 15 seconds without breathing, followed by five deep breaths; his pulse was 60.

3. In fact, the resident was diabetic, although this fact was not listed on his face sheet because his multiple other diagnoses took the entire space on the face sheet for diagnoses. The information was contained in the resident's chart, and was easily ascertainable.

4. Respondent was aware that there was a question about the patient's being diabetic, and asked the LPN who passed the evening medications whether the resident was diabetic. The LPN stated that she did not know, and Respondent did not pursue the matter further.

5. Respondent telephoned a physician to report the change of condition, but apparently used another patient's chart and telephoned the wrong physician; the physician did not detect the error.

6. Respondent believed that the patient was dying, and while this was not an unreasonable nursing diagnosis, Respondent should have taken further steps to rule out hypoglycemia before determining that no further interventions would be used. Respondent also did not offer hospitalization as an option, to the resident's wife.

7. In fact, the resident's blood sugar was tested after the day shift nurse arrived, and was found to be 48. The patient was treated with glucagon and promptly emerged from the altered state of consciousness noted above, and was able to communicate with family and staff. The resident survived for several more weeks.

8. In determining appropriate discipline in this matter, the Board considers that Respondent accepted responsibility for the errors noted above, cooperated with the Board's investigation, and expressed a plan for avoiding similar errors in the future.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code § N 7.03(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Linda L. Pavelka, R.N., is REPRIMANDED for her unprofessional conduct in this matter.

2. The license of Respondent to practice as a nurse in the state of Wisconsin is LIMITED as follows: no later than 12/31/10, Respondent shall demonstrate successful

completion of the following continuing education, or its substantial equivalent which have been pre-approved by the Board or its designee: Sharpening Critical Thinking Skills, 3.6 hours, offered by the Learning Extension of the National Council of State Boards of Nursing

3. The license of Respondent to practice as a nurse in the state of Wisconsin is LIMITED as follows: no later than 3/31/11, Respondent shall demonstrate successful completion of no less than 4 hours of continuing nursing education in assessment of diabetic patients, including the signs and symptoms of hypoglycemia, which course or courses shall have been pre-approved by the Board or its designee.

3. The Limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that she has successfully completed all of the ordered continuing education.

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 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 comply with the ordered continuing education as set forth above, the Respondent's license may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has demonstrated successful completion of the continuing education.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Wisconsin pursuant to a multistate licensure privilege without the written permission of the Wisconsin Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$350, within 90 days of this Order. If not paid, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until they are paid in full, including any accrued interest.

WISCONSIN BOARD OF NURSING

By: Latan Shu
A Member of the Board

11-4-10
Date