

# 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 |
| GINGER M. OBERJAT, L.P.N.,       | : |                          |
| RESPONDENT.                      | : | <b>ORDER 0000753</b>     |

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Division of Enforcement Case # 10 NUR 435

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

Ginger M. Oberjat, L.P.N.  
1331 Bellevue St. Lot 263  
Green Bay, WI 54302

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. Ginger M. Oberjat, L.P.N., (DOB 09/17/1971) is licensed as a practical nurse in the State of Wisconsin (license # 31-307048). This license was first granted on March 8, 2006.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1331 Bellevue St. Lot 263, Green Bay, Wisconsin, 54302.

3. At all relevant times, Respondent was working as a nurse in a convent retirement community. She was terminated after her employer documented the following concerns regarding her narcotic drug administration:

- (a) In a period of 10 weeks, it was found that Respondent documented giving PRN medications 93 times, which was approximately five times more often than any of her peers gave PRN medications.
- (b) Of the 93 PRN medications given by Respondent, only 7 were documented in shift report records as required. The eleven other nurses working with Respondent all documented every PRN narcotic on the shift reports correctly.
- (c) A review showed that 16 times medications were not documented as given in the patient's medication administration record ("MAR"). The eleven other nurses working with Respondent all documented every PRN narcotic in the MARs correctly.
- (d) Patient A's records indicated that the only nurse to ever administer a PRN narcotic to her was Respondent. Patient A denies needing or receiving any PRN medications.
- (e) In seven instances out of 10, Patient A's PRN narcotic was documented by Respondent as being given at the same time as Patient A's scheduled narcotic. Respondent did not report to the patient's Primary Care Team that her scheduled narcotic was not effective. Documentation for this patient was lacking until Respondent was confronted regarding a pattern of improper documentation – then, late entries were made.
- (f) Patient B was also repeatedly given PRN narcotics by Respondent. Respondent did not report the PRN narcotics on the shift report.
- (g) Patient C's hydrocodone was discontinued in April of 2010, but the medication card remained in the narcotic box in the medication cart. A hydrocodone pill was removed on August 25, 2010. It was not documented as having been administered on Patient C's MAR.

#### 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 3 above constitutes a violation of Wisconsin Administrative Code § 7.03(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(C).

#### ORDER

1. Ginger M. Oberjat, L.P.N., is REPRIMANDED.

2. The license of Ginger M. Oberjat, L.P.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) CONTINUING EDUCATION: Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in nursing documentation and four (4) hours of pre-approved continuing education in narcotic medication administration, within 90 days of the date of this Order. Respondent is responsible for finding appropriate course(s) and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the Board's meeting schedule.

(b) RANDOM DRUG SCREENS: Within 30 days of the date of this Order, Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department ("Approved Program"). At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:

a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.

b) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

The Approved Program shall require the testing of specimens at a frequency of not less than 12 times per year, for a period of no less than two years. The board may adjust the frequency of testing on its own initiative at any time.

If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit

additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

The Approved Program shall submit information and reports to the Department Monitor as directed, and Respondent shall execute any necessary releases for that purpose.

(c) WORK REPORTS: For at least two (2) years from the date of this Order, Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, during the two-year period. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.

(e) SUPERVISION: For at least two (2) years from the date of this Order, Respondent shall practice only under direct supervision, and only in a work setting pre-approved by the Board or its designee. Respondent shall not work in a home health, agency or pool position.

(f) 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.

(g) Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice under her Wisconsin license is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

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 Three Hundred Dollars (\$300.00), 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 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 or fails to comply with the ordered continuing education, Respondent's license may, in the discretion of the Board or its designee, be S USPENDED, 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: Karen L. Smith  
A Member of the Board

3-24-11  
Date