

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

ABIGAIL J. FOELKER, R.N., :
RESPONDENT. :

Order 0000832

Division of Enforcement Case No. 09NUR171

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

Abigail J. Foelker, R.N.
W3467 Lower Hebron Road
Fort Atkinson, WI 53538

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. Abigail J. Foelker, R.N., (D.O.B. 11/18/79) is duly licensed in the state of Wisconsin as a professional nurse (license No. 140226). This license was first granted on March 6, 2002. All of the matters described below occurred while Respondent was employed as a professional nurse at the Countryside Home, a county-owned skilled nursing facility in Jefferson, Wisconsin.

2. Respondent's address on record with the Department of Regulation and Licensing is W3467 Lower Hebron Road, Fort Atkinson, WI 53538. The Division of Enforcement has

received information indicating Respondent currently resides at 870 W. Racine Street #3, Jefferson, WI 53549.

3. On 5/21/09 and 5/23/09, Respondent was responsible for checking the blood sugar of a diabetic resident before the resident's 5:00 p.m. supper, as ordered by the physician, so that the resident's insulin requirement could be computed and administered before the meal. The chart documents that Respondent checked the resident's blood sugar after the resident consumed supper, at 7:30 p.m. and 6:14 p.m., respectively.

4. On 4/4/09, 4/25/09, 5/22/09, and twice on 5/23/09, Respondent charted that she administered antibiotics or insulin more than one hour after they were ordered. Respondent represented to her employer, at an interview (and subsequently, to the Board's investigating staff), that the administrations were actually on time, and it was only her charting that was late. The Board finds that although electronic recordkeeping systems can record the entry time as the administration time, there is always a way to indicate the actual time for administration, whether in the narrative or otherwise, and that Respondent was responsible for recording the actual time of administration, if it was different from the time of charting.

5. On 5/22/09, Respondent was responsible for assessing a new resident to the facility, but failed to chart an initial assessment for the resident.

6. On some 60 occasions in March, April and May 2009, Respondent charted that she had completed reassessments of residents as required by the Medicare program, when, in fact, she had not filled out the assessment documentation.

7. Respondent represents to the Board that during this time period, she was adjusting to a new medication regimen for a chronic condition. Respondent has produced a statement from her physician that she is fit for duty, as of 7/9/09.

8. On 7/27/09, 7/28/09 and 7/29/09, Respondent administered insulin to a diabetic resident which insulin was, in fact, beyond its expiration date.

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. Admin. Code §§ N 7.03(1)(a), (b), (c), (e), and N 7.04(1) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Abigail J. Foelker, R.N., is REPRIMANDED for her unprofessional conduct in this manner.

2. The license of Respondent to practice as a nurse in the state of Wisconsin is LIMITED as follows:

- a. No later than 4 months from the date of this Order, Respondent shall demonstrate successful completion of no fewer than 6 hours of continuing education in the area of charting, 6 hours of continuing education in the area of ethics of nursing practice, and 6 hours in the area of medication administration, all of which shall have been pre-approved by the Board or its designee.
- b. The following courses, sponsored by the Learning Extension of the National Council of State Boards of Nursing, are preapproved: "Documentation: A Critical Aspect of Client Care;" "Ethics of Nursing Practice;" and "Medication Errors: Detection & Prevention." Respondent may propose other courses for approval.
- c. Respondent shall provide her nursing employers with a copy of this Order before engaging or continuing in any nursing employment.
- d. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly 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 quarter. It is a violation of this Order for the work report to be unsatisfactory in any respect.
- e. Respondent may petition the Board for removal of these limitations after completion of all required continuing education, and the submission of eight consecutive satisfactory work reports.

3. 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 timely demonstrate successful completion of 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 ordered continuing education.

4. This order is effective on the date of its signing.

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 \$225.00, within 180 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: *Laura Lee*
A Member of the Board

5-5-11
Date