

# 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 :  
 :  
EMMY L. MORTEL, R.N., : FINAL DECISION AND ORDER  
RESPONDENT. : ORDER 0000 835  
 :

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Division of Enforcement Case #09 NUR 343

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

Emmy L. Mortel, R.N.  
212 Blue Sky Drive  
Glenwood City, WI 54013

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

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. Emmy L. Mortel, R.N., (DOB 2/26/1980) is duly licensed as a registered nurse in the State of Wisconsin (license #141148-30). This license was first granted on June 27, 2002.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 212 Blue Sky Drive, Glenwood City, Wisconsin, 54013.

3. At the time of the events set out below, Respondent was employed as a registered nurse at the Burkwood Treatment Center (Burkwood), in Hudson, Wisconsin.

4. On September 28, 2009, Patient A was admitted into Burkwood with a history of cirrhosis of the liver, an elevated ammonia level and disorientation. Patient A's hospital discharge Orders from September 22, 2009 listed a prescription of Lactulose as BID to be administered twice daily. A second set of Orders dated September 28, 2009 listed a prescription of Lactulose as QID to be administered four times daily.

5. On October 12, 2009, Respondent changed Patient A's Lactulose prescription from QID to PRN when Patient A refused to take the medication. Respondent claims she made the change because Lactulose is commonly prescribed for constipation, and Patient A claimed he was having normal bowel movements.

6. At the time Respondent made this change to Patient A's prescription medication, she did not:

- a. Have permission to change the Order;
- b. Document Patient A's refusal to take the Lactulose QID; and
- c. Notify a physician for approval to change the prescription.

7. On October 13, 2009, at approximately 3:30 A.M., Patient A was found to be disoriented and verbally combative. Patient A was transferred to the emergency room, and it was found that the Medication Order was incorrect. Patient A was prescribed Lactulose for Hepatic encephalopathy, not constipation. Respondent's unauthorized changes to the medication were determined to be the cause of Patient A's disorientation and verbal aggressiveness.

8. Respondent resigned from Burkwood on October 13, 2009, and is currently not practicing as a nurse.

#### 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. Respondent, by engaging in the conduct as set out above, has committed negligence defined by Wis. Admin. Code § N 7.03(1)(b) and (d) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Emmy L. Mortel, R.N., is hereby REPRIMANDED for the above conduct.
2. The license of Emmy L. Mortel, R.N. to practice as a registered nurse 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 complete four (4) hours of pre-approved continuing education in nursing ethics, and four (4) hours of pre-approved continuing education in nursing documentation, within one year of the date of this Order. Respondent is responsible for finding appropriate courses 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 one year time frame, taking into account the Board's meeting schedule.
  - b. For a period of at least one (1) year from the date of this Order, or upon Respondent's first day of active employment as a nurse, whichever event occurs first, Respondent's supervisor(s) shall provide written reports evaluating Respondent's nurse performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor.
  - c. 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 one year of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of ONE HUNDRED AND FIFTY DOLLARS (\$150.00), pursuant to Wis. Stat. § 440.22(2).
4. Work reports, requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

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 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:   
A Member of the Board

5-5-11  
Date