

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

VICKI L. MERRILL, L.P.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0000886

Division of Enforcement Case No. 10NUR657

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

Vicki L. Merrill, L.P.N.
1700 N. 28th St.
Superior, WI 54880

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. Vicki L. Merrill, L.P.N., (D.O.B. 7/19/1950) is licensed as a practical nurse in the State of Wisconsin (license no. 31-25258). This license was first granted on September 28, 1982.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1700 N. 28th Street, Superior, WI 54880.

3. At all relevant times, Respondent was employed as a practical nurse at St. Francis in the Park Health and Rehabilitation in Superior, Wisconsin.

4. On November 2, 2010, Respondent failed to document a patient's blood glucose level in a timely manner.

5. On November 11 and November 12, 2010, Respondent failed to document a patient's bedtime blood sugar levels in a timely manner and did not document administration of insulin on one of these occasions.

6. Respondent stated that she saved her report sheets and on November 15, 2010, "blood sugar levels were charted late, but they are charted."

7. On November 23, 2010, Respondent failed to document a patient's bedtime blood sugar levels.

8. On November 24, 2010, Respondent met with the facility's Registered Nurse Manager and Director of Nursing to discuss the documentation problems. Respondent subsequently quit her job and abruptly left work before the end of her scheduled shift. Respondent failed to provide an update on patients' status prior to leaving.

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 4 through 8 above constitutes a violation of Wisconsin Administrative Code §§ N 7.03(1)(b) and (d) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

1. Vicki L. Merrill, L.P.N., is REPRIMANDED.

2. The license of Vicki L. Merrill, L.P.N., to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent, within 90 days of the date of this Order and at her own expense, shall complete four (4) hours of pre-approved continuing education in safe

medication management and documentation. Respondent is responsible for finding an appropriate course 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. Respondent shall provide proof of completion of the continuing education to the Department Monitor.

b. For a period of at least two (2) years from the date of this Order:

1. 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.
2. Respondent's supervisor(s) shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.
3. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice 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.
4. 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. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. 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 Six Hundred Dollars (\$600.00), pursuant to Wis. Stat. § 440.22(2).

5. All petitions, payments, reports and other correspondence shall be 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
Fax (608) 266-2264
Telephone (608) 267-3817

6. 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 submit payment of the costs as ordered or fails to comply with the continuing education as set forth above, 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.

7. This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 2nd day of June, 2011.

Wisconsin Board of Nursing

By: Kathleen
A Member of the Board De