

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
FRANK C. HUGHES, R.N.,	:	
RESPONDENT.	:	ORDER 0000984

Division of Enforcement Case # 09 NUR 389

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

Frank C. Hughes, R.N.
519 W. College Ave.
Waukesha, WI 53186

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. Frank C. Hughes, R.N., (DOB 08/12/1953) is licensed as a professional nurse in the State of Wisconsin (license # 30-101511). This license was first granted on April 5, 1989.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 519 W. College Avenue, Waukesha, Wisconsin, 53186.

3. On or about December 31, 2008, Respondent was working in an intensive care unit ("ICU") in a hospital. Several hours after his shift, two 20 cc syringes containing clear liquids were found in the unlocked medical supply cart in the ICU room.

4. Respondent stated that he had drawn up the syringes during his shift from the IV bags of Fentanyl and Midazolam which had not been fully used. He states that he destroyed the IV bags and placed the labels with the medication names and expiration dates and times on the syringes. He did not have a physician's Order to fill the syringes, but said that he wanted to have a bolus available because he expected the physician to utilize them prior to their expiration time during his scheduled rounds. He stated that he has prepared such "stand-by" syringes on previous occasions when he anticipated the physician would be in shortly and would request their use due to the specific needs of the combative patient.. He stated that he knew this was no acceptable practice, but did it anyway because he believed the patient could need the medication quickly.

5. Respondent stated that he had administered medication from a "stand-by" syringe on one occasion a few years ago in the presence of and under the personal oversight of a physician.

6. The patient in the December 31, 2008 incident did have an order for breakthrough pushes as needed, but the push medication should have been drawn from the Pyxis machine. The IV bags of Fentanyl and Midazolam that he made the "stand-by" syringes from were made to order by the pharmacy, and clearly labeled with an expiration time of 24 hours. After 24 hours, bacterial infection is possible.

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 3-5 above constitutes a violation of Wisconsin Administrative Code § N 7.03(1), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. Frank C. Hughes, R.N., is REPRIMANDED.

2. The license of Frank C. Hughes, R.N., to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent, at his own expense, has completed a one-day course on May 2, 2011, at Waukesha County Technical College, entitled 510-471B Med Update /Hlth Professionals, which addresses updated information on medicines for nurses and includes practices for administration of medication. Respondent has also completed Nursing Ethics, parts 2-5, offered by Nurse.com.
- b. Respondent shall provide his nursing employers with a copy of this Order within ten days of the date of this order, and before engaging in any new nursing employment.
- c. For a period of at least two (2) years from the date of this order, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent's current employment with the Department of Corrections is approved. Respondent shall not work in a home health, agency or pool position during this period.
- d. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of her employment and evaluating his work performance.
- e. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice under his 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.
- 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.

3. Respondent shall, within ninety (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. 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

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, 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: L. McInerney RN APRN
A Member of the Board

7/6, /11
Date