

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
JOSE M. BOTELLO, L.P.N.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	ORDER 0002587

Division of Legal Services and Compliance¹ Case No. 12 NUR 384

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

Jose M. Botello, L.P.N.
128 Deer Creek Court, Apartment 5
Jefferson, WI 53549

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee Jose M. Botello, L.P.N., (dob December 5, 1952) is licensed in the State of Wisconsin as a practical nurse, having license number 306116-31, first issued on July 28, 2005 and current through April 30, 2015. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 128 Deer Creek Court, Apartment 5, Jefferson, Wisconsin 53549.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this matter, Licensee was employed as a practical nurse at a long-term care facility (Facility) located in Madison, Wisconsin.

3. On April 11, 2012, Patient A was admitted to Facility with an order for Cefuroxime (Ceftin) 500 mg, an antibiotic, to be administered twice a day for a Urinary Tract Infection (UTI). Patient A was admitted with diagnoses of Advanced Alzheimer's Dementia and Stage III Chronic Kidney Disease.

4. Patient A received 500 mg of Ceftin by mouth twice a day during her stay at Facility from April 11 – 17, 2012, and once on the morning of April 18, 2012.

5. On April 15, 2012, Patient A was assessed by the evening shift licensed practical nurse, who identified red rash-like areas on Patient A's buttocks, inner legs, and groin area. The evening shift nurse recommended obtaining an order for Nystatin powder to treat what was assessed as a yeast rash.

6. On April 16, 2012, Patient A was assessed by Licensee, the night shift licensed practical nurse. The red rash-like areas had spread to Patient A's breasts. Later that day, around 3:10 p.m., another staff member obtained a telephone order for Nystatin powder for Patient A and Nystatin powder was applied to Patient A's red rash-like areas.

7. On April 17, 2012, Licensee noted the rash was on Patient A's neck, armpits, and upper trunk. Nystatin powder was applied to Patient A's red rash-like areas.

8. During the night shift change on April 17, 2012, Licensee and M.K. discussed that Patient A's spreading rash might be an adverse reaction to Ceftin, the antibiotic. Licensee also observed that Patient A's rash was markedly worse than the day before, that it covered Patient A's entire body (except her face), and was extremely dark.

9. Licensee and M.K. decided to monitor Patient A and failed to notify a physician or any other supervising healthcare provider regarding Patient A's potential adverse reaction to the antibiotic.

10. As a result, Patient A received an additional dose of Ceftin, 500 mg on the morning of April 18, 2012.

11. Shortly thereafter Patient A became unresponsive with fixed pupils. Patient A was immediately transported by ambulance to the Emergency Room.

12. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER


1. The attached Stipulation is accepted.
2. Within 6 months of the date of this Order, Jose M. Botello, L.P.N., shall, at Licensee's own expense, take and successfully complete four (4) hours of education in professional accountability and four (4) hours of education in medication errors as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.
3. Within 120 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$400.00.
4. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 Licensee's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Licensee fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Licensee's license (no. 306116-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of the costs and completion of the education.

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

9/12/13
Date