

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

NANCY A. OGDEN, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002660

Division of Legal Services and Compliance¹ Case No. 12 NUR 362

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

Nancy A. Ogden, R.N.
4033 60th Street
Kenosha, Wisconsin 53144

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. Respondent Nancy A. Ogden, R.N. (dob September 25, 1956) is licensed in the State of Wisconsin as a professional nurse, having license number 135827-30, first issued on August 3, 2000 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4033 60th Street, Kenosha, Wisconsin 53144.

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

2. At all times relevant to this proceeding, Respondent was a nurse at a home and rehabilitation center (Center), located in Kenosha, Wisconsin.
3. Patient A had extensive cardiac history; including open heart surgery on June 7, 2012.
4. Patient A was admitted to Center on June 14, 2012, for therapy and recovery.
5. On June 19, 2012, Patient A experienced chest pain. A physical therapy assistant (PTA) called Respondent to inform Respondent of Patient A's chest pain.
6. Respondent conducted a brief chest assessment without a blood pressure cuff or stethoscope. Respondent failed to document the assessment. Respondent administered Tramadol for pain which was documented.
7. During the morning of June 20, 2012, Respondent completed an assessment of Patient A. Respondent documented Patient A's skin condition, but did not document other information about the assessment.
8. On June 20, 2012, the PTA called Respondent to inform Respondent that Patient A was sleepy and not doing well in therapy, which was unusual. The PTA also informed Respondent of the earlier episode in which, the day before, Patient A had chest pain.
9. Respondent disregarded the complaints of the PTA regarding the change in Patient A's condition.
10. The PTA called the charge nurse after Respondent failed to show concern or assess Patient A. The charge nurse assessed Patient A and found multiple breathing issues. The charge nurse then called the physician and received new medical orders.
11. The charge nurse obtained the new medication requested by the physician, informed Respondent of change in Patient A's condition, and informed Respondent of the change in medical orders.
12. The charge nurse asked Respondent to administer the new medication to Patient A. Respondent indicated she was going to lunch, and failed to complete charting.
13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Nancy A. Ogden, R.N., failed to maintain competency in the practice and methods of nursing care as defined by Wis. Admin. Code. § N 7.03(1)(b).

3. Therefore, Nancy A. Ogden, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (c).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Nancy A. Ogden, R.N., is REPRIMANDED.

3. The professional nursing license issued to Respondent Nancy A. Ogden, R.N., (license number 135827-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

a. Nancy A. Ogden, R.N., shall, within 90 days of the date of this Order, successfully complete eight (8) hours of education on the topic of physical assessment and four (4) hours on the topic of accountability offered by a provider pre-approved by the Board of Nursing's monitoring liaison. Respondent shall take and pass any exam offered for the courses.

b. Nancy A. Ogden, R.N., 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.

c. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

d. This limitation shall be removed from Respondent's license after she has satisfied the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The professional nursing license issued to Respondent Nancy A. Ogden, R.N., (license number 135827-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED for an indefinite period as follows:

a. Unless the Board orders otherwise, Respondent may practice ONLY at Society's Assets, Inc., and only under the Limited License job description dated May 17, 2013, which is attached to this order, and incorporated herein. Respondent must obtain board approval prior to changing employment or work assignment.

b. Respondent shall provide her employers with a copy of this Order before engaging in any nursing employment.

c. Respondent shall work only under direct supervision. For purposes of this order, direct supervision means that another licensed professional nurse must be present, in the same room, for all direct patient contact.

d. Respondent shall not work in any other home health, assisted living, hospice, agency or pool position.

e. For a period of at least two (2) years, while working at least half-time as a nurse, as defined by Wis. Admin. Code § N 6.03, at a facility other than Society's Assets, Inc., Respondent shall arrange for her employer(s) to send to the Department Monitor quarterly reports, in which the employer sets out the terms and conditions of Respondent's employment, and reports on the quality of her work. After two (2) years of working at least half-time as a professional nurse, as defined by Wis. Admin. Code § N 6.03, at a facility other than Society's Assets, Inc., Respondent may petition the Board for modification or termination of these limitations. The Board retains the sole discretion to grant or deny the petition, and/or to modify the Order.

f. Notwithstanding any other provision of this Order, after a period of at least two (2) years, Respondent can petition the Board for the modification or termination of these limitations and/or Society's Assets can petition the Board to modify the Respondent's job duties. During the two (2) years following the date of this Order, or until Respondent's employment with Society's Assets ends, whichever occurs first, Society's Assets shall send to the Department Monitor quarterly reports reporting the quality of Respondent's work.

g. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. 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.

h. 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.

i. After two (2) years of working at least half-time as a professional nurse, as defined by Wis. Admin. Code § N 6.03, at a facility other than Society's Assets, Inc., Respondent may petition the board for the modification or termination of these limitations. The Board retains sole discretion to grant or deny the petition, and/or to may modify this Order.

5. Within 120 days from the date of this Order, Nancy A. Ogden, R.N., shall pay COSTS of this matter in the amount of \$600.00.

6. Request of approval of courses, proof of successful course completion, payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) and requests for amendments to the Limitations ordered above, shall be sent by Respondent 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

7. 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 submit payment of costs as ordered, fails to submit work reports or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 135827-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs, submitted work reports and submitted proof of completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:

Julian Nelson, RN
A Member of the Board

10/10/13
Date