

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

MARY K. APPEL, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002662.

Division of Legal Services and Compliance¹ Case No. 13 NUR 283

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

Mary K. Appel, R.N.
619 U.S. Hwy 8
Amery, WI 54001

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 Mary K. Appel, R.N., (dob February 22, 1952) is licensed in the State of Wisconsin as a professional nurse, having license number 105706-30, first issued on October 5, 1990 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 619 U.S. Hwy 8, Amery, Wisconsin 54001.

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 employed as a professional nurse at a nursing home and rehabilitation facility (Facility), located in St. Croix Falls, Wisconsin.

3. Patient A was admitted to Facility and had a left-leg, surgical knee, stump wound. Patient A's wound treatment order was for Silvadene® treatment, on the wound, once per day.

4. On April 29, 2013, Respondent asked the wound nurse about using Betadine® treatment on Patient A's wound. The wound nurse informed Respondent that Betadine® cannot be used because it would dry out the wound and not help the healing process. The wound nurse informed Respondent that she would have the nurse practitioner (NP) re-evaluate Patient A's wound treatment the next day.

5. On April 30, 2013, the wound nurse consulted with the NP. The NP ordered Patient A's Silvadene® treatment be increased to twice per day and stated that Betadine® not be used.

6. Later on April 30, 2013, Patient A was attempting to self-transfer from his bed to his wheelchair and he fell. The wound nurse inspected the wound, due to concern Patient A may have fallen on the wound. The wound nurse found Betadine® treatment on Patient A's wound.

7. The wound nurse asked Respondent about the use of Betadine® treatment on Patient A's wound. Respondent admitted to placing the Betadine® treatment on Patient A's wound without an order.

8. On May 1, 2013, during Facility investigation, Respondent stated she felt the ordered wound treatment was not correct and, therefore, she applied Betadine® treatment without an order.

9. In Respondent's July 15, 2013 response to the Department of Safety and Professional Services, Respondent admitted to applying the Betadine® treatment, as a trial, to Patient A's post-surgical, scabbed, wound area without an order.

10. 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, Mary K. Appel, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(5) by practicing beyond the scope of practice permitted by law.

3. As a result of the above conduct, Mary K. Appel, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Mary K. Appel, R.N., is REPRIMANDED.
3. The professional nursing license issued to Respondent Mary K. Appel, R.N., (license number 105706-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within 90 days of the date of this Order, Respondent shall at her own expense, successfully complete eight (8) hours of education on wound care offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent 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 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.
 - c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. The professional nursing license issued to Respondent Mary K. Appel, R.N., (license number 105706-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED, for one (1) year, as follows:
 - a. Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
 - b. While working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency or pool position.
 - c. While working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of her employment and evaluating her work performance.
 - d. 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.

- e. 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.
- f. After one (1) year of working at least half-time as a nurse, 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.

5. Within 120 days from the date of this Order, Mary K. Appel, R.N., shall pay COSTS of this matter in the amount of \$250.00.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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 the costs as ordered, fails to submit proof of successful completion of the ordered education as set forth above, or fails to comply with any other term of the order as set forth above, Respondent's license (no. 105706-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs, submit proof of completion of the education and complied with all other terms of the order as set forth above.

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN
A Member of the Board

10/10/13
Date