

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

STACY E. FJORDBAK, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003266

Division of Legal Services and Compliance Case No. 14 NUR 100

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

Stacy E. Fjordbak, R.N.
209 W. Cemetery Rd.
River Falls, WI 54022

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Stacy E. Fjordbak, R.N., (dob February 23, 1987) is licensed in the State of Wisconsin as a professional nurse, having license number 159312-30, first granted on June 13, 2007 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 209 West Cemetery Road, River Falls, Wisconsin 54022.

2. On February 6, 2014, the Minnesota Board of Nursing and Respondent entered into a Stipulation and Consent Order based on the following facts:

a. While Respondent was employed as a registered nurse at a hospital in Saint Paul, Minnesota, beginning July 6, 2007, the following occurred:

- 1) In 2007, 2009, and 2010, concerns were expressed regarding Respondent's ability to communicate appropriately with co-workers and patients.
- 2) In 2010, Respondent was removed from duty pending a fitness evaluation, due to an exacerbation of her depression. Respondent was subsequently cleared to return to nursing by her mental health providers.
- 3) In 2011, Respondent reportedly had additional incidents of being rude to co-workers and using profanity in the presence of patients. In her written response to the Minnesota Board, Respondent admitted she had a "propensity to use profanity" but stated she tried to communicate in a professional manner. Respondent later resigned this employment, but was subsequently hired at a related facility in a per diem capacity.
- 4) During 2012, co-workers described Respondent as "abrasive."

b. While Respondent was employed as a registered nurse at a hospital in Minneapolis, Minnesota, beginning August 1, 2011, the following occurred:

- 1) On April 8, 2012, Respondent was placed on a development plan regarding accountability, communication and collaboration, due to having been rated as needing improvement in those areas on her nursing performance evaluation.

c. While Respondent was employed as a registered nurse at another hospital in Minneapolis, Minnesota, beginning December 2, 2012, the following occurred:

- 1) On December 6, 2012, Respondent fell asleep during orientation. In her written response to the Minnesota Board, Respondent stated this was due to a medication change prescribed by her psychiatrist. Respondent indicated the dose was then adjusted, and the issue has not reoccurred.
- 2) In January and February, 2013, concerns were expressed regarding Respondent's communication with co-workers;

Respondent was perceived to frequently question the decisions of other staff members and was alleged to have made inappropriate comments regarding post-operative care orders to registered nurse anesthetists and anesthesiologists in the presence of patients. In her written response to the Minnesota Board, Respondent stated she did not intend to question the judgment of other staff members, but was asking many questions in order to understand what they were doing. Respondent acknowledged her method of asking questions was susceptible to being misunderstood.

3) On February 28, 2013, the conclusion of Respondent's probationary period at this employment, Respondent's employment was involuntarily terminated.

d. At the September 18, 2013, conference with the Minnesota Board, Respondent stated that upon seeing an August 6, 2013, Notice of Conference, which described the issues summarized above, she realized she must change her communication approach. The Minnesota Board expressed concern that Respondent lacked insight into the issues underlying her pattern of unprofessional communication, and the possible impact on patient care. Respondent disclosed her mental health issues which may have contributed to appearing rude or defensive. The conference was continued to obtain Respondent's medical records. After review and consideration of those records, the Minnesota Board determined Respondent should also be ordered to the Health Professionals Services Program (HPSP) for evaluation, and monitoring, if indicated, of her mental health and chronic pain. In addition, the Minnesota Board concluded Respondent required remediation in professional communication and in creating an environment of relationship-based care with patients.

3. 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, Stacy E. Fjordbak, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(7) by having disciplinary action through final board adjudication taken against her license in another jurisdiction.

3. As a result of the above conduct, Stacy E. Fjordbak, 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 Stacy E. Fjordbak, R.N., is REPRIMANDED.

3. The professional nursing license issued to Stacy E. Fjordbak, R.N., (license number 159312-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent shall fully comply with all conditions and limitations placed on her Minnesota license.
- b. Respondent shall have the consultant report, required by the Minnesota Consent Order, submitted by the consultant to the Department within fifteen (15) days of it being provided to the Minnesota Board.
- c. Respondent shall notify the Department of any changes to her Minnesota Consent Order within 10 days of the change.
- d. Respondent shall submit quarterly self-reports to the Department regarding her progress with the Minnesota Consent Order.
- e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully complied with all terms and conditions of the Minnesota Consent order and that her Minnesota license is no longer conditional or limited in any way.

4. Within 120 days from the date of this Order, Stacy E. Fjordbak, R.N., shall pay COSTS of this matter in the amount of \$300.00.

5. Consultant reports, self-reports, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 Respondent fails to timely submit self reports or payment of the costs as ordered, Respondent's license (no. 159312-30) 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.

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

WISCONSIN BOARD OF NURSING

by:

Julie Nelson, RN
A Member of the Board

Date

6/12/14

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STACY E. FJORDBAK, R.N.,
RESPONDENT.

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STIPULATION

0003265

Division of Legal Services and Compliance Case No. 14 NUR 100

Respondent Stacy E. Fjordbak, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.


4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

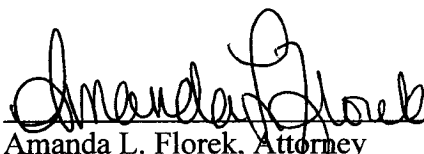
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Stacy E. Fjordbak, R.N., Respondent
209 W. Cemetery Rd.
River Falls, WI 54022
License No. 159312-30

4/23/2014

Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison WI 53707-7190

4/28/14

Date