

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JANESE M. RIX, R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

0003274

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Division of Legal Services and Compliance Case No. 13 NUR 254

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

Janese M. Rix, R.N.  
1016 Gas Light Dr.  
Sun Prairie, WI 53590

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 Janese M. Rix, R.N., (dob November 23, 1969) is licensed in the State of Wisconsin as a professional nurse, having license number 117624-30, first granted on August 17, 1994 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1016 Gas Light Drive, Sun Prairie, Wisconsin 53590.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a nursing home (Home) located in Sun Prairie, Wisconsin.

3. On February 25, 2013, at noon, Resident A was admitted to the Home with several diagnoses, including diabetes. Resident A was insulin dependent. Resident A was admitted with orders that she be fed the nutritional supplement Nepro® continuously via a nasogastric tube.

4. The Home did not have a supply of Nepro® in-house; as a result, Resident A had no food intake for more than 24 hours. Resident A's physician was not notified that the Home did not have Nepro® available and, therefore, Resident A was not receiving Nepro®, as ordered.

5. On February 26, 2013 at 6:15 a.m., Respondent became responsible for care of Resident A.

6. Resident A had last had her blood sugar checked at 11:00 p.m. on February 25, 2013.

7. Respondent did not check Resident A's blood sugar until 8:30 a.m., at which time it was at 50.

8. A blood sugar level of 50 indicates an emergency situation necessitating an immediate assessment and further action, including contacting a physician.

9. Respondent's nursing notes indicate that she was unable to assess Resident A regarding her low blood sugar.

10. Respondent administered glucagon and re-checked Resident A's blood sugar at 9:00 a.m., resulting in a value of 89.

11. Respondent did not contact a physician.

12. 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, Janese M. Rix, R.N., violated Wis. Admin. Code § N 7.03(1)(b) by an act or omission demonstrating a failure to maintain competency in practice and methods of nursing care.

3. As a result of the above violations, Janese M. Rix, 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 Janese M. Rix, R.N., is REPRIMANDED.
3. The professional nursing license issued to Respondent Janese M. Rix, R.N., (license number 117624-30) 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, at her own expense, shall complete four (4) hours of continuing education on the topic of diabetes. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain Board approval within the 90-day time frame, taking into account the Board's meeting schedule. Respondent shall provide proof of completion of the education to the Department Monitor.
  - b. For a period of at least one (1) year, Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
  - c. For a period of at least one (1) year Respondent shall only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency or pool position.
  - d. For a period of at least one (1) year 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.
  - e. 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.
  - 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.
  - g. 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.

4. Within 120 days from the date of this Order, Janese M. Rix, R.N., shall pay COSTS of this matter in the amount of \$450.00.

5. 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 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 payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 117624-30) 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 and submitted proof of completion of the education.

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN  
A Member of the Board

Date 6/12/14

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JANESE M. RIX, R.N.,  
RESPONDENT.

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STIPULATION

**0003274**

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Division of Legal Services and Compliance Case No. 13 NUR 254

Respondent Janese M. Rix, 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. Respondent  
is represented by Attorney Brian Purtell.


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 or Respondent's attorney, 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.

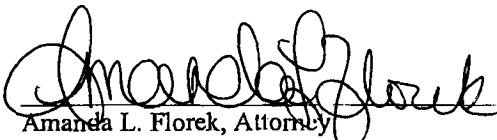
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Janese M. Rix, R.N., Respondent  
1016 Gas Light Dr.  
Sun Prairie, WI 53590  
License no. 117624-30

5/19/14  
\_\_\_\_\_  
Date

  
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Brian R. Purtell, Attorney for Respondent  
DeWitt, Ross and Stevens  
2 East Mifflin Street, Suite 600  
Madison, WI 53703

5/20/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Amanda L. Florek, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/29/14  
\_\_\_\_\_  
Date