

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

MELISSA S. ANDERSON, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER

:
:
0004054

Division of Legal Services and Compliance Case No. 14 NUR 640

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

Melissa S. Anderson, L.P.N.
849 W. Elm
Lancaster, WI 53813

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 Melissa S. Anderson, L.P.N., (dob March 31, 1983) is licensed in the State of Wisconsin as a practical nurse, having license number 303788-31, first issued on January 7, 2003 and current through April 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 849 West Elm, Lancaster, Wisconsin 53813.

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

3. Resident A is a 90 year-old male with a diagnosis of heart failure, gastroenteritis, kidney failure and a history of dehydration.
4. On July 22, 2014, an advanced practitioner nurse prescriber ordered two (2) liters of normal saline bolus to be administered at 300cc in the first hour then decreased to 75cc per hour until infused.
5. The Home does not have an intravenous (IV) pump and uses a gravity drip to administer IV fluids.
6. A professional nurse (R.N. A) told Respondent what the drip rate should be to achieve the rates per the order and delegated the nursing act of administering and monitoring the IV normal saline to Resident A.
7. R.N. A left the building after delegating the task to Respondent. Another professional nurse was not in the building until the following day when R.N. A returned for her next shift.
8. Respondent accepted the delegated nursing act and connected the IV tubing to the IV catheter, started the IV drip rate and monitored the IV flow without direct supervision by a professional nurse.
9. Respondent failed to adjust the drip rate after one (1) hour resulting in the first bag of normal saline being infused in approximately 2.5-3 hours, instead of the 10 hours and 20 minutes it should have taken. Respondent then began a second bag of normal saline.
10. At the end of her shift, Respondent delegated the IV monitoring duties to another practical nurse.
11. Respondent knew or should have known that providing IV therapy is outside of the scope of practice for a practical nurse.
12. Respondent knew or should have known that IV therapy is an act beyond basic nursing care which, if delegated, requires direct supervision by a professional nurse.
13. The night shift practical nurse could not adjust the drip rate.
14. The next morning, Resident A was assessed by R.N. A and found to have facial edema and shortness of breath.
15. R.N. A learned that the infusion during the prior evening and night shifts had occurred at a rate quicker than ordered and contacted the on-call physician. The physician ordered Resident A to be sent to the emergency room (ER).
16. Resident A was admitted to the ER with a diagnosis of pneumonia, congestive heart failure, renal failure, overzealous hydration and possible myocardial infarction.

17. Respondent, by performing the delegated task without direct supervision, created an unnecessary risk or danger to Resident A's life, health, or safety.

18. 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. Pursuant to Wis. Admin. Code § N 6.02(6), "direct supervision" means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

3. By the conduct described in the Findings of Fact, Melissa S. Anderson, L.P.N., violated Wis. Admin. Code § N 6.04(1)(a), by accepting patient care assignments for which the practical nurse was not competent to perform.

4. By the conduct described in the Findings of Fact, Melissa S. Anderson, L.P.N., violated Wis. Admin. Code § N 6.04(2)(b), by performing delegated tasks beyond basic nursing care without direct supervision by a professional nurse.

5. By the conduct described in the Findings of Fact, Tracy H. Arnold, L.P.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.04(5)¹, by practicing beyond the scope of practice permitted by law.

6. By the conduct described in the Findings of Fact, Tracy H. Arnold, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.03(1)(a), by violating any standard of practice set forth in ch. N6.

7. By the conduct described in the Findings of Fact, Tracy H. Arnold, L.P.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(b), by an act or omission demonstrating a failure to maintain competency in the practice and methods of nursing care.

8. As a result of the above conduct, Jody L. Noble, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Melissa S. Anderson, L.P.N., is REPRIMANDED.

¹ All references to Wis. Admin. Code §§ N 7.03 and N 7.04 refer to the code as it existed prior to August 1, 2014.

3. The practical nursing license issued to Melissa S. Anderson, L.P.N., (license number 303788-31) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of delegation; three (3) hours of education on the topic of IV therapy; and three (3) hours of education on the topic of scope of nursing practice 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. Within 120 days from the date of this Order, Melissa S. Anderson, L.P.N., shall pay COSTS of this matter in the amount of \$575.00.

5. Request of 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 Respondent to the Department Monitor at the address below:

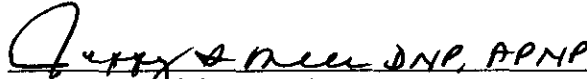
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 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. 303788-31) 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 successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:

 DNP, APNP
A Member of the Board

6.11.15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MELISSA S. ANDERSON, L.P.N.,
RESPONDENT.

:
:
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:
:

STIPULATION

0004054

Division of Legal Services and Compliance Case No. 14 NUR 640

Respondent Melissa S. Anderson, L.P.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.

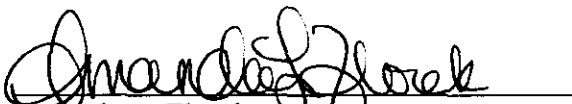
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Melissa S. Anderson, L.P.N., Respondent
849 W. Elm
Lancaster, WI 53813
License no. 303788-31

5/20/2015
Date


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

5/26/15
Date