

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JESSE B. FRUTIG, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0004190

Division of Legal Services and Compliance Case No. 14 NUR 446

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

Jesse B. Frutig, R.N.
5121 South County Road P
Denmark, WI 54208

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 Jesse B. Frutig, R.N., (dob January 18, 1973) is licensed in the State of Wisconsin as a professional nurse, having license number 132765-30, first issued on July 30, 1999 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5121 South County Road P, Denmark, Wisconsin 54208.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital (Hospital), located in Two Rivers, Wisconsin.

3. On March 26, 2010, Patient A was admitted to the Hospital for an elective laparoscopic vaginal hysterectomy with right oophorectomy. Following the procedure, Patient A was transferred to the post-surgical floor at approximately 12:20 p.m.

4. Due to the presence of an artificial heart valve, Patient A took anticoagulation medication on a daily basis. The physician's post-operative orders included an order for heparin which was started at approximately 6:00 p.m. The post-operative orders also included a requirement that the physician be notified if Patient A failed to produce 60 ml of urine every two (2) hours.

5. At approximately 6:50 p.m., Patient A's physician evaluated her and found decreased urine output. Due to the decreased urine output, the physician ordered a fluid bolus to increase perfusion to the kidneys.

6. At 7:15 p.m., the 500 ml fluid bolus was started. It was completed at 7:36 p.m.

7. The nurses on the post-surgical floor were not experienced in caring for a patient on heparin and requested that Patient A be transferred to the step-down unit where the nursing staff was more familiar with monitoring and assessing a heparinized patient.

8. At 8:50 p.m., Patient A's physician approved the transfer to the step-down unit.

9. At approximately 9:15 p.m., Patient A was transferred to the step-down unit at which time one of the nurses gave report to Respondent.

10. At approximately 11:39 p.m., Respondent evaluated Patient A's pain levels.

11. Patient A had only 75 ml of urine output in the time period of 3:00 p.m. to 11:00 p.m., even after a fluid bolus. Respondent failed to note the low urine output and failed to contact the physician as required by the post-operative order.

12. On March 27, 2010 at approximately midnight, Patient A's heart rate was 140 bpm and she was disoriented, cold and clammy. Respondent assessed Patient A who became non-responsive at 12:27 a.m. Respondent called a code. Resuscitative efforts were unsuccessful.

13. The patient was pronounced deceased at 1:01 a.m.

14. In reviewing Patient A's chart, some of Respondent's entries are mis-timed and/or were added at a later date, including the following:

- a. Respondent charted on March 27, 2010, at 1:38 a.m., that he had performed a pain intervention evaluation on March 26, 2010 at 11:39 p.m.¹

¹ Had Respondent, in fact, performed the pain assessment at 11:39 p.m. on March 26, 2010, he should have noted Patient A's significant change in condition and that she had low urine output. Both conditions should have been reported to the physician.

- b. Respondent charted on March 27, 2010, at 7:38 p.m., that Patient A had been transferred to his floor on March 26, 2010 at 8:00 p.m. at which time he oriented the patient to her room².
- c. Respondent charted on March 27, 2010, at 7:42 p.m., that he had performed a physical assessment of Patient A on March 26, 2010 at 8:00 p.m.

15. 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, Jesse B. Frutig, R.N., violated Wis. Admin. Code § N 7.03(1)(b)³, 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, Jesse B. Frutig, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (c)⁴.

ORDER

- 1. The attached Stipulation is accepted.
- 2. Respondent Jesse B. Frutig, R.N., is REPRIMANDED.
- 3. The professional nursing license issued to Respondent Jesse B. Frutig, R.N., (license number 132765-30) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within 120 days of the date of this Order, Respondent shall at his own expense, successfully complete five (5) hours of education on the topic of documentation and five (5) hours of education on the topic of reporting changes in condition to the physician 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

² In fact, Patient A did not arrive on Respondent's floor until 9:15 p.m. on March 26, 2010.

³ All references to Wis. Admin. Code § N 7.03 refer to the code as it existed before August 1, 2014.

⁴ Wis. Stat. (2011-2012).

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. Pursuant to 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.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$700.00.

6. 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

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 or complete the education as ordered, Respondent's license (No. 132765-30) 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 successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

8-13-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JESSE B. FRUTIG, R.N.,
RESPONDENT.

STIPULATION

0004190

Division of Legal Services and Compliance Case No. 14 NUR 446

Respondent Jesse B. Frutig, 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 Peter J. Hickey.


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.

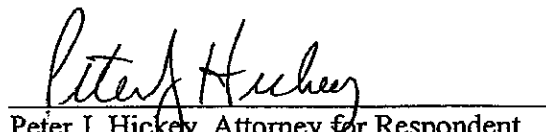
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jesse B. Frutig, R.N., Respondent
5121 South County Road P
Denmark, WI 54208
License No. 132765-30

7/22/15


Date



Peter J. Hickey, Attorney for Respondent
Everson, Whitney, Everson & Brehm, S.C.
414 South Jefferson Street
Green Bay, WI 54305-2248

7/28/15

Date



Kim M. Kluck, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/30/15

Date