

## 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

LINAFLOR DIAZ FERRER, R.N.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER  
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**0004421**

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Division of Legal Services and Compliance Case No. 15 NUR 502

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

Linaflor Diaz Ferrer, R.N.  
180 Lakeview Avenue  
Spring Valley, CA 91977

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 Linaflor Diaz Ferrer, R.N., (dob February 17, 1969) is licensed in the State of Wisconsin as a professional nurse, having license number 149210-30, first issued on February 10, 2005 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 180 Lakeview Avenue, Spring Valley, California 91977.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital, located in San Diego, California.

3. On September 4, 2015, the Board of Registered Nursing, Department of Consumer Affairs, State of California (California Board) reprimanded Respondent and limited Respondent's California license based on the following facts:

- a. On March 6, 2007, patient Jennifer U., a 27 year old woman, was admitted to the emergency department with shortness of breath, asthma with acute exacerbation, chest pain and tachycardia. Patient Jennifer U. had doctor's orders for 4 mg Dilaudid® every 2 hours and 50 mg Benadryl® every 2 hours for chronic pain.
- b. On March 7, 2007, patient Jennifer U.'s doctor changed her medication orders to 2-4 mg Dilaudid® every 6 hours because patient Jennifer U. was lethargic, but arousable.
- c. On March 7, 2007, at approximately 1830, patient Jennifer U.'s pulmonary symptoms were improving and she was transferred from the telemetry unit to the medical surgical unit.
- d. On March 7, 2007, at approximately 2300, Respondent was assigned to care for patient Jennifer U.
- e. On March 7, 2007, at approximately 2341, Respondent removed 4 mg Dilaudid® from the Pyxis® machine for patient Jennifer U.
- f. On March 7, 2007, at approximately 2343, Respondent removed 4 mg Ativan® from the Pyxis® machine for patient Jennifer U.
- g. On March 7, 2007, at midnight, Respondent documented an assessment of patient Jennifer U.
- h. On March 8, 2007, at approximately 0050, Respondent gave patient Jennifer U., 4 mg Ativan® and 4 mg Dilaudid® directly into her vein. Respondent documented the administration of the medication in the nursing notes. No additional information related to the effectiveness of the Ativan® or Dilaudid® was documented in the nursing notes, nor were any vital signs recorded to include blood pressure, pulse or respiration for patient Jennifer U.
- i. On March 8, 2007, at approximately 0210 hours, Respondent returned to patient Jennifer U.'s room and found patient Jennifer U. unresponsive, not breathing and slumped over in bed. Respondent called a code blue and started CPR on patient Jennifer U.
- j. The attempted resuscitation of patient Jennifer U. failed and she was pronounced dead on March 8, 2007 at 0256.

4. The September 4, 2015, California Order reprimanded Respondent's license and required Respondent:

- a. Take and submit evidence of successful completion of education relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.
- b. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.
- c. Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

5. 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, Linaflor Diaz Ferrer, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(7)<sup>1</sup> by having disciplinary action through final board adjudication taken against one's license in another jurisdiction.

3. As a result of the above violations, Linaflor Diaz Ferrer, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Linaflor Diaz Ferrer, R.N., is REPRIMANDED.

3. The professional nursing license issued to Respondent Linaflor Diaz Ferrer, R.N., (license number 149210-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent must immediately provide proof of successful completion of the education ordered by the California Board to the Wisconsin

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<sup>1</sup> All references to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

Department Monitor no later than the end of her California probationary term.

- b. Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
- c. 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.
- d. 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.

4. Within 120 days from the date of this Order, Linaflor Diaz Ferrer, R.N., shall pay COSTS of this matter in the amount of \$125.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and proof of successful completion of the ordered education shall be 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](mailto: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 and submit proof of successful completion of the education ordered, Respondent's license (no. 149210-30) 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 education ordered.

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

WISCONSIN BOARD OF NURSING

by:  DNP, APRN  
A Member of the Board

12-10-15  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LINAFLO DIAZ FERRER, R.N.,  
RESPONDENT.

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STIPULATION

0004421

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Division of Legal Services and Compliance Case No. 15 NUR 502

Respondent Linaflor Diaz Ferrer, 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.



Linaflor Diaz Ferrer, R.N., Respondent  
180 Lakeview Avenue  
Spring Valley, CA 91977  
License no. 149210-30

10 / 28 / 15

Date



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

11/2/15

Date