

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

AMY M. BROTHERHOOD, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004748

Division of Legal Services and Compliance Case No. 15 NUR 183

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

Amy M. Brotherhood, R.N.
706 Grand Ave.
Thiensville, WI 53092-1438

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 Amy M. Brotherhood, R.N., (dob November 7, 1984) is licensed in the State of Wisconsin as a professional nurse, having license number 159810-30, first issued on July 18, 2007 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 706 Grand Avenue, Thiensville, Wisconsin 53092-1438.

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

3. On April 23, 2009, Patient A was admitted to the Hospital with chest pain. Patient A was scheduled for a procedure the following day and a cardiologist was the only doctor following his care.
4. At the time, Patient A's current medications included Levemir® 5 units, subcutaneously, once daily every morning, for diabetes.
5. On April 23, 2009, at 1:30 p.m., the doctor ordered Levemir® 5 units with low dose sliding scale.
6. At 5:03 p.m., Patient A's blood sugar was 271.
7. At 5:14 p.m., Nurse A administered Levemir® 5 units to Patient A.
8. At 10:15 p.m., Patient A's blood sugar was 338. Respondent called the on-call physician, the cardiologist, because Patient A's blood sugar had been high all day.
9. The on-call physician ordered Levemir® 8 units and aspart 10 units to be administered to Patient A.
10. Respondent consulted with another nurse because the on-call physician rarely orders insulin and to determine if the dose was appropriate. Respondent and the other nurse confirmed the physician's order and decided to administer the insulin with a sandwich.
11. At 10:34 p.m., Respondent administered Levemir® 8 units, administered aspart 10 units and provided Patient A with a peanut butter sandwich.
12. Respondent delegated to a personal care assistant to check Patient A's blood sugar at 3:00 a.m.
13. The personal care assistant did not complete the delegated task and Respondent failed to follow-up with the personal care assistant to ensure the task had been completed.
14. On April 24, 2009, at 5:15 a.m., Patient A was found unresponsive, drooling and with a swollen tongue.
15. Respondent initiated a code for Patient A.
16. At 6:02 a.m., Patient A's blood sugar was 28 and dextrose was administered. Patient A was intubated and transferred to the intensive care unit.
17. Respondent, by failing to follow-up on the task delegated to the personal care assistant, created an unacceptable risk of harm to Patient A's health, safety and welfare.
18. Respondent completed education on delegation and diabetes after this incident.
19. 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, Amy M. Brotherhood, R.N., violated Wis. Admin. Code § N 6.03(3)(c), by failing to observe and monitor the activities of those supervised.
3. By the conduct described in the Findings of Fact, Amy M. Brotherhood, R.N., violated Wis. Admin. Code § N 7.03(1)(a)¹, by violating any standards of practice set forth in ch. N 6.
4. By the conduct described in the Findings of Fact, Amy M. Brotherhood, 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.
5. By the conduct described in the Findings of Fact, Amy M. Brotherhood, R.N., violated Wis. Admin. Code § N 7.03(1)(e), by executing a medical order which the licensee knew or should have known would harm or present the likelihood of harm to a patient.
6. As a result of the above violations, Amy M. Brotherhood, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d)².

ORDER

1. The attached Stipulation is accepted.
2. Respondent Amy M. Brotherhood, R.N., is REPRIMANDED.
3. The professional nursing license issued to Amy M. Brotherhood, R.N., (license number 159810-30) 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 three (3) hours of education on the topic of critical thinking and four (4) hours of education on the topic of medication errors 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

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

² (2009-2010)

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. 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, Amy M. Brotherhood, R.N., shall pay COSTS of this matter in the amount of \$750.00.

6. Request for 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:

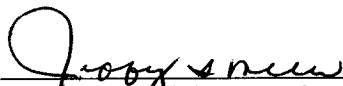
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 159810-30) 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 has 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:

 DNP, APRN
A Member of the Board

6-9-16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMY M. BROTHERHOOD, R.N.,
RESPONDENT.

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STIPULATION

0004748

Division of Legal Services and Compliance Case No. 15 NUR 183

Respondent Amy M. Brotherhood, 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.

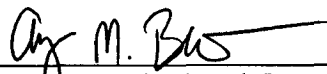
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

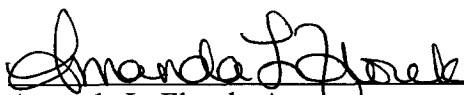
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Amy M. Brotherhood, R.N., Respondent
706 Grand Ave.
Thiensville, WI 53092-1438
License no. 159810-30

05/13/2016

Date



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

5/16/16

Date