

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

GAIL L. BROWN, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004906

Division of Legal Services and Compliance Case No. 15 NUR 291

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

Gail L. Brown, R.N.
W148N9959 Rimrock Rd.
Germantown, WI 53022

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 Gail L. Brown, R.N., (dob January 19, 1956) is licensed in the State of Wisconsin as a professional nurse, having license number 71979-30, first issued on September 29, 1978 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W148N9959 Rimrock Road, Germantown, Wisconsin 53022.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a community based residential facility (Facility), located in Germantown, Wisconsin.

3. Resident A has dementia and complex medical needs. Resident A's individualized service plan (ISP) included the following:

- a. Toileting instructions - Resident A is able to toilet himself, but needs to be escorted to the bathroom and assisted to the toilet. He needs assistance wiping himself after a bowel movement. Caregivers are to monitor Resident A's need for assistance following a bowel movement daily. Goal – skin will remain free from stool and irritation.
- b. Eating – Resident A is able to eat his meals independently, but needs to be brought to the dining room at meal times. Staff should provide cues and supervision for proper food intake. Goal – maintain ideal body weight.
- c. Denture/oral care – In August 2014 the ISP stated Resident A required reminders and cues. In September 2014 the ISP stated that caregivers needed to remove and brush Resident A's upper and lower dentures in the a.m. and p.m. Goal – maintain healthy oral hygiene.

4. On December 4, 2014, Respondent notified Resident A's oncology nurse practitioner that Resident A had a decreased appetite. The nurse practitioner ordered no change in the treatment plan and the plan was to continue with weekly blood transfusions.

5. On December 29, 2014, Respondent documented that Resident A had "difficulty passing stool. Resident had an impaction. Large amount of stool removed. Resident was able to pass a large amount of stool following stool removal. Requested order for stool softener."

6. On December 29, 2014, Respondent notified Resident A's primary care physician that Resident A was experiencing occasional periods of constipation. Resident A's primary care physician ordered Dulcolax Sodium.

7. On December 30, 2014, Respondent requested and obtained orders from Resident A's primary care physician for Remeron to increase appetite and Ditropan to assist with urinary frequency.

8. On January 2, 2015, Respondent documented "Resident incontinent of large amount of stool. Resident checked for impaction, none present."

9. On January 5, 2015, Respondent documented that Resident A was fatigued, unstable when walking and slurring his speech. Respondent notified the physician and Resident A was sent to the emergency room. Resident A's son accompanied the resident to the emergency room and informed the providers that Resident A had been experiencing diarrheal stool two (2) days ago, has had steady cognitive decline and weight loss in the past five (5) months since admission at the Facility.

10. Resident A was admitted to the hospital for sepsis, urinary tract infection, pneumonia, influenza and a fecal impaction the size of a softball.

11. Resident A weighed 102 pounds when he was admitted to the hospital. Resident A's dentures were removed and found to be moldy and unclear. Resident A's gums were inflamed and he had lost a permanent bottom tooth.

12. A review of Resident A's medical record indicated that Resident A weighed 119.6 pounds in October 2014; 114.0 pounds in November 2014; and 112.8 pounds in December 2014.

13. Respondent, by failing to adequately monitor Resident A's food intake or weight and by failing to monitor bowel output for bowel impaction prevention/interventions, created an unacceptable risk of harm to Resident A's health, safety and welfare.

14. On June 24, 2015, Respondent, via her attorney, in a response to the Department, indicated that she relied upon reports by caregivers that Resident A's dentures were being brushed in the morning and evening.

15. Respondent, by failing to adequately supervise caregivers to ensure Resident A's dentures were cleaned regularly, created an unacceptable risk of harm to Resident A's health, safety and welfare.

16. Since this incident, Respondent has been instrumental in establishing new policies to prevent further incidents such as a bowel movement log flow sheet; has revised weight flow sheet to include weekly weight checks and a meal tracker to identify the percentage of meal consumed each month; and has personally checked each resident's dentures on a weekly basis.

17. Respondent neither admits nor denies any unprofessional conduct, but agrees to the following Conclusions of Law and Order solely as resolution to this matter.

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, Gail L. Brown, R.N., violated Wis. Admin. Code § N 6.03(3)(c), by failing to observe and monitor activities of those supervised.

3. By the conduct described in the Findings of Fact, Gail L. Brown, R.N., violated Wis. Admin. Code § N 6.03(3)(d), by failing to evaluate the effectiveness of acts performed under supervision.

4. By the conduct described in the Findings of Fact, Gail L. Brown, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.

5. By the conduct described in the Findings of Fact, Gail L. Brown, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(c), by departing from or

failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.

6. By the conduct described in the Findings of Fact, Gail L. Brown, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(7)(c), by inappropriate or inadequate supervision or delegation.

7. As a result of the above conduct, Gail L. Brown, 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 Gail L. Brown, R.N., is REPRIMANDED.

3. The professional nursing license issued to Gail L. Brown, R.N., (license number 71979-30) 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 four (4) hours of education on the topic of delegation and three (3) hours of education on the topic of critical thinking 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. 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, Gail L. Brown, R.N., shall pay COSTS of this matter in the amount of \$800.00.

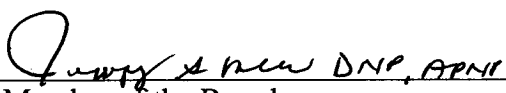
6. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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. 71979-30) 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

9.8.16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GAIL L. BROWN, R.N.,
RESPONDENT.

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STIPULATION

0004906

Division of Legal Services and Compliance Case No. 15 NUR 291

Respondent Gail L. Brown, 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 Michael Johnson.

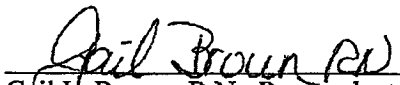
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of
the attached Final Decision and Order without further notice, pleading, appearance or consent of
the parties. Respondent waives 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.

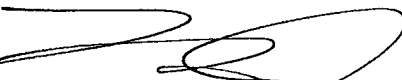
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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


Gail L. Brown, R.N., Respondent
W148N9959 Rimrock Rd.
Germantown, WI 53022
License no. 71979-30

7-27-16
Date


Michael Johnson, Attorney for Respondent
Otjen, Gendelman, Zitner, Johnson & Weir, SC
20935 Swenson Dr., Ste. 310
Waukesha, WI 53189-2057

8/3/16
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

8/4/16
Date