

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

DAWN M. MAASCH, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005166

Division of Legal Services and Compliance Case No. 14 NUR 515

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

Dawn M. Maasch, R.N.
8762 White Coral Way
Middleton, WI 53562

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 Dawn M. Maasch, R.N., (dob February 5, 1971) is licensed in the State of Wisconsin as a professional nurse, having license number 173089-30, first issued on June 9, 2010 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8762 White Coral Way, Middleton, Wisconsin 53562.

2. Respondent has never been disciplined by the Board, has never been the subject of a malpractice action previously, and has always maintained her license in good standing in all regards.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a medical facility (Facility), located in Madison, Wisconsin.

4. On September 17, 2013, Patient presented to the Facility for a scheduled endoscopy and colonoscopy.

5. On September 17, 2013, at 7:57 a.m., the surgeon ordered fentanyl 12.5 – 100 mcg and midazolam 0.5 – 5 mg. Both medications were ordered with the frequency of “intra-procedure multiple.” These orders state that 12.5 – 100 mcg of fentanyl and 0.5 – 5 mg of midazolam can be administered in any amount within this dose range multiple times during the procedure. The administration of medication by Respondent was within the aforementioned range.

6. The surgeon further documented the following in a special note regarding the administration of sedatives: “Have available to start: Fentanyl 100 mcg/2ml and Versed 5 mg RN CAN give first dose of Fentanyl 50 mcg, then Versed 2 mg. cont. till sedated, during procedure give Versed first to maintain sedation.” These “special notes” are preferences that the surgeon puts in every surgical patient record.

7. At 8:44 a.m., the pulse oximeter recorded an oxygen saturation level of 100%.

8. Between 8:44 a.m. and 9:05 a.m., no oxygen saturation levels were recorded by the pulse oximeter and were not noted by Respondent. The Facility policy did not require the Respondent to record in handwritten fashion the pulse oximeter level because they were continuously recorded electronically by virtue of the GE Dash Monitor® (the Monitor) used during the procedures.

9. Per policy at the end of the procedure, a vitals strip was printed from the monitor and scanned into the patient’s medical chart. In this case, the monitor failed to provide a continuous printout of the vitals which were recorded within the Monitor during the procedure. However, throughout the procedure the vital signs of Patient were audible, visible and by all appearances the Monitor was performing appropriately. Respondent’s role during procedures was to monitor the patient and to rely on the Monitor to continuously record and accurately print the vitals at the conclusion of the procedure.

10. At 8:47 a.m., Respondent administered 100 mcg of fentanyl and 5 mg of Versed®. Respondent documented that the patient was cooperative, oriented and tranquil¹ at that time, but relied upon the Monitor to electronically and continuously record the oxygen saturation level, respirations and heart rate.

11. At 8:49 a.m., Respondent administered another 25 mcg of fentanyl and 1 mg of Versed®. Respondent documented again that the Patient was cooperative, oriented and tranquil at

¹ The Ramsay Sedation Scale (RSS) is used to assess a patient’s level of sedation and includes the following six categories: Ramsay 1 (anxious, agitated and restless); Ramsay 2 (cooperative, oriented and tranquil); Ramsay 3 (responsive to commands only); Ramsay 4 (brisk response to light glabellar tap or loud auditory stimulus); Ramsay 5 (sluggish response to light glabellar tap or loud auditory stimulus); and Ramsay 6 (no response to light glabellar tap or loud auditory stimulus).

that time, but relied upon the Monitor to electronically and continuously record the oxygen saturation level, respirations and heart rate.

12. At 8:50 a.m., Respondent administered another 25 mcg of fentanyl and 2 mg of Versed®. Respondent documented that the Patient was cooperative, oriented and tranquil at that time and relied upon the Monitor to electronically and continuously record the oxygen saturation level, respirations and heart rate.

13. At no time after 8:50 a.m. did Respondent chart any further observations of Patient's level of consciousness or Ramsay score. At all times during the procedure the vital signs of Patient were audible, visible and stable. The Respondent's role during procedure was to monitor the patient and, per policy, she relied upon the Monitor to electronically and continuously record the intra-procedure data.

14. At 8:51 a.m., the surgeon began the procedure.

15. At 8:53 a.m., the electronic monitor recorded Patient's blood pressure was 115/57. Respondent relied upon the Monitor to electronically and continuously record the oxygen saturation level, respirations and heart rate.

16. At 9:00 a.m., the electronic monitor recorded Patient's blood pressure was 132/77. Respondent relied upon the Monitor to electronically and continuously record the oxygen saturation level, respirations and heart rate.

17. Between 9:00 and 9:05 a.m., Respondent relied upon the Monitor to electronically and continuously record the oxygen saturation level, respirations and heart rate.

18. Upon completion of the upper endoscopy procedure, the Patient opened his eyes and his mouth, per verbal direction, while the bite block was removed. Patient was conscious and stable, as is evidenced by his ability to open his eyes and mouth. The Respondent notified the surgeon that Patient was becoming bradycardic and unresponsive to verbal and tactile stimulation. Narcan and flumazenil were administered to Patient, per orders.

19. At 9:06 a.m., a respiratory code was called and the intensive care unit (ICU) team responded to manage the code. Respondent administered atropine, per orders, and Patient's heartrate returned to a normal value. All other vital signs remained normal throughout both the procedure and the code. However, Patient did not regain consciousness.

21. Patient was moved from the procedure room to the ICU. At 9:30 a.m., one of the ICU physicians intubated Patient.

22. At approximately 11:37 a.m., Nurse A contacted someone in the endoscopy center to inquire as to what Patient's oxygen saturation level was during the procedure and was informed that it had been 83% so Nurse A entered into the patient's medical record that his oxygen saturation level was 83% at 9:00 a.m. during the procedure. It is unclear who provided this information, but

at no time during the procedure were Patient's vital signs outside of the normal range other than the bradycardic episode at the conclusion of the procedure.

23. Patient was determined to have an anoxic brain injury, the timing and etiology of which is unclear.

24. On September 23, 2013, Patient was diagnosed with brain death and brain death protocol was recommended. On that same date, Patient's family made the decision to discontinue intubation. Patient expired that day following extubation.

25. On April 11-12, 2016, Respondent completed continuing education on the topic of gastroenterology in nursing practice and pharmacology.

26. The Board has not made a determination as to the validity of the above allegations.

27. The Respondent denies the allegations as set forth above.

28. 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. Stat. § 961.16(3)(f), fentanyl is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. Versed® contains midazolam. Pursuant to Wis. Stat. § 961.20(2)(hg), midazolam is a schedule IV controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(3).

~~4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(1)(c), by failing to observe the conditions, signs and symptoms of a patient, record them, or report significant changes to the appropriate person.~~

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (c)².

ORDER

1. The attached Stipulation is accepted.

² (2011-2012)

2. Respondent Dawn M. Maasch, R.N., is REPRIMANDED.

3. The Board recognizes the aforementioned continuing education course as the equivalent of the education the Board would have otherwise required.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,710.00.

5. 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, Respondent's license (no. 173089-30) 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.

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

WISCONSIN BOARD OF NURSING

by:



A Member of the Board

2/9/17

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAWN M. MAASCH, R.N.,
RESPONDENT.

STIPULATION

0005166

Division of Legal Services and Compliance Case No. 14 NUR 515

Respondent Dawn M. Maasch, 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 Samuel J. Lieb.

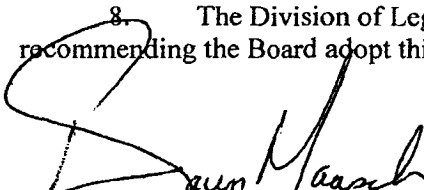
4. Respondent neither admits nor denies the allegations in this matter but agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, 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.

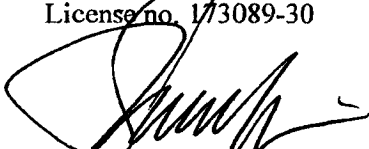
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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


Dawn M. Maasch, R.N., Respondent
8762 White Coral Way
Middleton, WI 53562
License no. 173089-30

1/19/17
Date


Samuel J. Lieb, Attorney for Respondent
Wilson Elser, L.L.P. - LEIB KNOTT GAYNOR LLC
740 North Plankinton Avenue, Suite 600
Milwaukee, WI 53203 219 N. MILWAUKEE

1/19/17
Date


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P.O. Box 7190
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MILWAUKEE, WI 53202

1/19/17
Date