

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 :
: FINAL DECISION AND ORDER
ERIN M. ROONEY, R.N., :
RESPONDENT. :

0005168

Division of Legal Services and Compliance Case No. 16 NUR 335

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

Erin M. Rooney, R.N.
2724 Northview Rd., Unit #41
Waukesha, WI 53188

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 Erin M. Rooney, R.N., (dob June 19, 1981) is licensed in the State of Wisconsin as a professional nurse, having license number 156229-30, first issued on August 30, 2006 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2724 Northview Road, Unit #41, Waukesha, Wisconsin 53188.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse as a home health nurse in Wisconsin.

3. On May 3, 2016, Respondent was providing in-home care to Patient A. Patient A is on a ventilator.
4. Respondent changed the ventilator tubing with new tubing while Patient A was asleep.
5. When reassembling the tubing, Respondent failed to replace the exhalation valve which allows Patient A to exhale. The new tubing assembly contained a solid plastic connector which was situated where the exhalation valve should have been.
6. At 4:35 p.m., the ventilator's "low circuit leak" alarm sounded indicating there was not enough air escaping the system and there was too much pressure in the tubing.
7. A review of the ventilator alarm log indicated the "low circuit leak" alarm sounded multiple times between 4:35 p.m. and 6:35 p.m.
8. The ventilator alarm log also indicated that Respondent turned the ventilator off and back on once; pressed "audio pause" six (6) times; pressed "modify" twice; and pressed "reset" once.
9. Between 6:14 p.m. and 6:34 p.m., Respondent provided nebulized antibiotic treatment via the ventilator to Patient A with the solid plastic connector in place of the exhalation valve.
10. Providing nebulized antibiotic treatment without the exhalation valve connected to the ventilator tubing caused the pressure to increase in the tubing.
11. By Respondent placing the solid plastic connector to the ventilator tube instead of the exhalation valve, Patient A was prevented from exhaling properly which caused air being forced into Patient A's stomach and out of her nose, mouth and stoma. This resulted in large amounts of oral and nasal secretions and abdominal distention.
12. At approximately 6:35 p.m., Patient A's mother arrived home and immediately identified that the exhalation valve was not in place. Patient A's mother retrieved it and connected it to the ventilator tubing.
13. Patient A's mother contacted Patient A's physician. Patient A's physician instructed Patient A's mother to look for signs or symptoms of hypercarbia (carbon dioxide retention). Patient A did not show any signs or symptoms of hypercarbia at that time.
14. However, the following morning, May 4, 2016, Patient A showed signs of fatigue, complained of a headache, stomachache and her heartrate and blood pressure were above baseline.
15. As the morning progressed, Patient A's symptoms improved and her heartrate and blood pressure returned to baseline.

16. Respondent, in a written statement to the Department, thought the “low leak” alarm meant there was a leak in the circuit so she “silenced the alarm.”

17. Respondent further stated that she checked the patient circuit assembly, disassembled and reassembled the patient circuits, and that she thought the alarm was related to the “vent tubing and or circuits, not the vent itself.”

18. Respondent no longer provides care to Patient A.

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, Erin M. Rooney, 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.

3. As a result of the above conduct, Erin M. Rooney, 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 Erin M. Rooney, R.N., is REPRIMANDED.

3. The professional nursing license issued to Erin M. Rooney, R.N., (license number 156229-30) 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 ventilator care and management 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, Erin M. Rooney, R.N., shall pay COSTS of this matter in the amount of \$400.00.

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. 156229-30) 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: Heyl Krane
A Member of the Board

2-9-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIN M. ROONEY, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005168

Division of Legal Services and Compliance Case No. 16 NUR 335

Respondent Erin M. Rooney, 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.

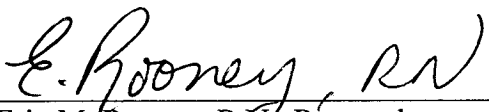
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Erin M. Rooney, RN, Respondent
2724 Northview Rd., Unit #41
Waukesha, WI 53188
License no. 156229-30

01/11/17
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

1/11/17
Date