

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

TERESA D. RUCHTI, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005439

Division of Legal Services and Compliance Case No. 16 NUR 620

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

Teresa D. Ruchti, R.N.
3153 South Park Avenue
Beloit, WI 53511-1640

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 Teresa D. Ruchti, R.N., (dob September 22, 1965) is licensed in the State of Wisconsin as a professional nurse, having license number 159239-30, first issued on July 16, 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 3153 South Park Avenue, Beloit, Wisconsin 53511-1640.

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 October 21, 2016, at 1:54 a.m., Nurse A hung a 1000 mcg bag of fentanyl for Patient J.B. The administration rate was 50 mcg/hour until 8:41 a.m. when the rate was reduced to 25 mcg/hour. The next bag would have been due at approximately 11:00 a.m. on October 22, 2016.

4. On October 21, 2016, at 6:19 a.m., Respondent removed a 1000 mcg bag of fentanyl for Patient J.B. from the Med Select®, which is the automated medication dispensing cabinet. Respondent failed to document the administration, waste, or return of the fentanyl. During the internal investigation, Respondent did not have an explanation as to why she would remove a bag of fentanyl 29 hours before it was due, nor could she account for the location of the bag.

5. On October 22, 2016, at 5:32 a.m., Nurse B removed a bag of fentanyl for Patient J.B., documented the bag being hung, and documented waste of 60 mcg.

6. On October 25, 2016, at 5:55 a.m., Respondent removed one 100 mcg ampule of fentanyl for Patient H.M. Respondent did not document administration, waste, or return of the fentanyl. Respondent was not the nurse assigned to this patient and stated she may have removed it if someone else asked her to but she could not account for the location of the ampule.

7. On October 29, 2016, at 11:31 p.m., Respondent removed a 1000 mcg bag of fentanyl for Patient T.I. The bag was not documented as being hung, however, on October 30, 2016, at 0000 (midnight) the bag was documented as infusing at a rate of 50 mcg/hour. The next bag was due on October 30, 2016, at approximately 8:00 p.m.

8. On October 30, 2016, Respondent removed a 1000 mcg bag of fentanyl at 1:21 a.m. for Patient T.I. During the internal investigation, Respondent had no explanation as to why she removed a bag approximately 18.5 hours before it was due, nor could she account for the location of the bag.

9. On October 30, 2016, at 7:50 p.m., Nurse C hung a new bag of 1000 mcg fentanyl at a rate of 100 mcg/hour for Patient T.I. The next bag would be due at 5:50 a.m. on October 31, 2016.

10. On October 30, 2016, at 11:01 p.m., Respondent removed a 1000 mcg bag of fentanyl for Patient T.I. and did not document the bag as being hung. During the internal investigation, Respondent had no explanation as to why she removed a bag 6.5 hours before it was due, nor could she account for the location of the bag.

11. On December 6, 2016 and January 5, 2017, the Department sent letters via regular mail to Respondent requesting a response to the allegations. The letters were sent to Respondent's current address on file with the Department and were not returned.

12. On April 4, 2017, the letter requesting a response was sent by certified mail. It was returned and marked unclaimed after the post office left two (2) notices at the address.

13. 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, Respondent violated 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. Actual injury to a patient need not be established.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(1)(c), by failing to cooperate in a timely manner with the board's investigation of a complaint filed against a license holder, after a request of the board. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has failed to cooperate in a timely manner.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Teresa D. Ruchti, R.N., is REPRIMANDED.

3. The professional nursing license issued to Respondent Teresa D. Ruchti, R.N., (license number 159239-30) 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, at her own expense, shall complete five (5) hours on the topic of documentation and record keeping; four (4) hours on the topic of medication errors; and two (2) hours on the topic of nurse practice acts. Respondent is responsible for finding an appropriate course and submitting the course information to the Board or its designee for approval prior to taking the course and in sufficient time to obtain Board approval within the ninety (90) day time frame, taking into account the Board's meeting schedule. Respondent shall provide proof of completion of the education to the Department Monitor.
- b. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within

fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

- c. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting.
- d. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
- e. 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.
- f. 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.
- g. After two (2) years of working at least half-time as a nurse, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$760.00.

5. 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

6. In the event Respondent violates any term of this Order, Respondent's license (159239-30), or Respondent's right to renew her license, may, in the discretion of the Board or

its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9/14/17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TERESA D. RUCHTI, R.N.,
RESPONDENT.

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STIPULATION

0005439

Division of Legal Services and Compliance Case No. 16 NUR 620

Respondent Teresa D. Ruchti, 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.


Teresa D. Ruchti, R.N., Respondent
3153 South Park Avenue
Beloit, WI 53511-1640
License no. 159239-30

7-12-2017
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

7/20/17
Date