

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

DONNA M. LABAR, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005654

Division of Legal Services and Compliance Case No. 16 NUR 609

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

Donna M. LaBar, R.N.
1573 17th Street
Barron, WI 54812-9076

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 Donna M. LaBar, R.N., (dob January 2, 1984) is licensed in the State of Wisconsin as a professional nurse, having license number 174949-30, first issued on September 22, 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 1573 17th Street, Barron, Wisconsin 54812-9076.

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

3. On September 3, 2016, Respondent was caring for Patient A. Patient A had been prescribed Percocet®: one (1) tablet for mild pain or two (2) tablets for severe pain, every four (4) hours as needed. Respondent administered Patient A two (2) tablets at 1:45 p.m., two (2) tablets at 4:39 p.m., and two (2) tablets at 5:59 p.m.

4. On September 4, 2016, Respondent administered Patient A two (2) Percocet® tablets at 7:58 a.m., two (2) tablets at 10:54 a.m., and two (2) tablets at 1:00 p.m.

5. On September 16, 2016, Respondent administered Patient A two (2) Percocet® at 7:43 a.m., two (2) tablets at 10:25 a.m., two (2) tablets at 1:35 p.m., two (2) tablets at 4:45 p.m., and two (2) tablets at 6:03 p.m.

6. On September 17, 2016, Respondent administered Patient A two (2) Percocet® at 8:01 a.m., two (2) tablets at 10:30 a.m., two (2) tablets at 1:55 p.m., and two (2) tablets at 2:51 p.m.

7. On September 18, 2016, Respondent was caring for Patient B. Patient B had been prescribed Percocet®: one (1) tablet every four (4) to six (6) hours for mild pain, or two (2) tablets for severe pain. Respondent administered Patient B two (2) tablets at 1:27 p.m., two (2) tablets at 4:03 p.m., and two (2) tablets at 5:34 p.m.

8. On September 22, 2016, Respondent was caring for Patient C. Patient C had been prescribed Percocet®: one (1) tablet every four (4) hours as needed for mild pain. Respondent administered Patient C two (2) tablets at 10:10 a.m., two (2) tablets at 11:09 a.m., two (2) tablets at 2:05 p.m., and two (2) tablets at 5:18 p.m.

9. On November 1, 2016, Hospital staff met with Respondent to discuss the findings of a recent pharmacy audit. The audit revealed that over a three (3) month period, Respondent had been administering Percocet® at a rate five (5) deviations higher than the standard deviation.

10. Respondent admitted she administered Percocet® outside of the prescribed parameters; however, her focus was on pain prevention.

11. 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. Percocet® contains oxycodone. Pursuant to Wis. Stat. § 961.16(2)(a)11., oxycodone 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. By the conduct described in the Findings of Fact, Donna M. LaBar, R.N., violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.

4. As a result of the above conduct, Donn M. LaBar, 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 Donna M. LaBar, R.N., is REPRIMANDED.
3. The professional nursing license issued to Respondent Donna M. LaBar, R.N., (license number 174949-30) 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 four (4) hours of education on the topic of medication errors and three (3) hours on the topic of critical thinking. 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, Donna M. LaBar, R.N., shall pay COSTS of this matter in the amount of \$510.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

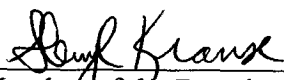
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's license (174949-30), 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

3-8-18
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

0005654

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONNA M. LABAR, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

Division of Legal Services and Compliance Case No. 16 NUR 609

Respondent Donna M. LaBar, 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.

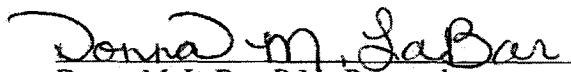
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Donna M. LaBar, R.N., Respondent
1573 17th Street
Barron, WI 54812-9076
License no. 174949-30

2-16-2018
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

2/26/18
Date