

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

JULIE L. CAPODARCO, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0005869**

Division of Legal Services and Compliance Case No. 16 NUR 676

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

Julie L. Capodarco, L.P.N.
W4085 Longfellow Drive
Lake Geneva, WI 53147

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 Julie L. Capodarco, L.P.N., (DOB: May 7, 1970) is licensed in the State of Wisconsin as a practical nurse, having license number 301732-31, first issued on September 2, 1998, and current through April 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W4085 Longfellow Drive, Lake Geneva, Wisconsin 53147.

2. On October 4, 2007, the Board issued a disciplinary order (Order no. 0710043) suspending Respondent's practical nursing license and placing her on a five (5) year monitoring order based on allegations of diversion of narcotics.

3. On July 21, 2011, the Board issued a disciplinary order (Order no. 0000975) reprimanding Respondent and requiring her to complete education based on allegations of a medication error.

4. On September 26, 2011, the Board fully reinstated Respondent's license after successful completion of the requirements of Order number 0710043.

5. At all times relevant to this proceeding, Respondent was employed as a practical nurse at skilled nursing facility (Facility), located in Racine, Wisconsin.

6. Respondent worked the night shift at the Facility on December 14, 2016, and December 15, 2016.

Patient A

7. Patient A had a prescription for oxycodone 10 mg, one (1) tablet every four (4) hours as needed for moderate pain, or two (2) tablets every four (4) hours as needed for severe pain.

8. On December 16, 2016, at 1:15 a.m., the oncoming registered nurse (RN-1) identified a discrepancy in Patient A's controlled drug use record (CDUR). The CDUR contained an entry by Respondent that she had administered two (2) oxycodone 10 mg tablets to Patient A at 2:00 a.m., which was not possible because it was not yet 2:00 a.m.

9. Respondent had not been assigned to Patient A's hallway on December 16, 2016, but had been seen by a medical assistant at the medication cart in Patient A's hallway.

10. Respondent told the Facility that she was at the medication cart in Patient A's hallway to flush a patient's tube and had been distracted by a patient requesting pain medication. She stated that she was going to administer medication to that patient, but then did not because the medical assistant told her that she had already administered the medication.

11. Respondent stated she disposed of the two (2) oxycodone tablets from Patient A's narcotic card in the sharps container.

12. Patient A was interviewed and stated that she requested pain medication at 1:00 a.m., however she did not receive medication from Respondent.

Patient B

13. Patient B had a prescription for Percocet® 10/325 mg, one (1) tablet by mouth every four (4) hours as needed for pain.

14. On December 14, 2016, at 9:30 p.m., RN-1 documented administering one (1) Percocet® 10/325 mg tablet to Patient B. It was the last tablet in the narcotic card.

15. On December 14, 2016, at 10:42 p.m., a narcotic card of 30 Percocet® 10/325 mg tablets was delivered to the floor for Patient B.

16. On December 14, 2016, Respondent was not assigned to Patient B's unit; however, she documented administering one (1) Percocet® 10/325 mg tablet to Patient B at 9:00 p.m.

17. Respondent stated she made an error when documenting the time of administration, and the 9:00 p.m. entry should have reflected 11:00 p.m.

18. 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, Julie L. Capodarco, L.P.N., 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. As a result of the above conduct, Julie L. Capodarco, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Julie L. Capodarco, L.P.N., is REPRIMANDED.

3. The practical nursing license issued to Julie L. Capodarco, L.P.N., (license number 301732-31) 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 medications errors, and five (5) hours on the topic of documentation, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. 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. 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, Julie L. Capodarco, L.P.N., shall pay COSTS of this matter in the amount of \$790.00.

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. In the event Respondent violates any term of this Order, Respondent's license (301732-31), 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9/13/18
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JULIE L. CAPODARCO, L.P.N.,
RESPONDENT.

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:

STIPULATION

0005869

Division of Legal Services and Compliance Case No. 16 NUR 676

Respondent Julie L. Capodarco, L.P.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.

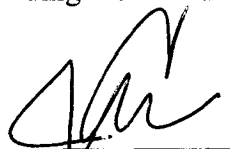
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


LPN

Julie L. Capodarco, R.N., Respondent
W4085 Longfellow Drive
Lake Geneva, WI 53147
License no. 301732-30

8/3/18
Date


~~Elizabeth K. Bronson~~

Kim M. Kluck, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

8/7/18
Date