

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

MARCIA J. MILLER, R.N.,
RESPONDENT.

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:
:
:

FINAL DECISION AND ORDER

ORDER 0006528

Division of Legal Services and Compliance Case No. 18 NUR 742

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

Marcia J. Miller, R.N.
1815 Taylor Street
Little Chute, WI 54140

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 Marcia J. Miller, R.N., (DOB January 20, 1961) is licensed in the state of Wisconsin as a registered nurse, having license number 87373-30, first issued on March 28, 1984, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1815 Taylor Street, Little Chute, Wisconsin 54140.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a medical center (Center), located in Appleton, Wisconsin.

3. On September 11, 2018, Respondent was caring for an induction patient, Patient A, who required intravenous (IV) penicillin every four (4) hours.
4. Respondent documented and hung an IV bag at 4:25 pm which was fully infused by 5:25 pm.
5. At 4:53 pm an epidural was removed from Pyxis® per Patient A's request.
6. During the placement of the epidural, by the anesthesia provider, Respondent noticed an IV bag (epidural bag) on the nurse's station and without verifying the contents of the bag, and incorrectly believing that it was the IV penicillin, hung the epidural bag and ran an IV to Patient A at approximately 5:30 pm.
7. The anesthesia provider questioned Respondent about the location of the epidural bag which the provider had placed on the nurse's station.
8. Respondent immediately removed the bag hung for the IV, which was 75% infused, and concealed the error by placing the bag in her pocket and disposing of it at home.
9. Respondent continued to deny that she knew what happened to the epidural bag. The missing bag prompted an investigation by the Center's Medication Diversion Specialist.
10. On September 20, 2018, Respondent voluntarily admitted her medication error and her intentional concealment of the error. She was immediately placed on administrative leave.
11. On October 2, 2018, Respondent's employment was terminated by the Center.
12. 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, Marcia J. Miller, R.N., violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.
3. By the conduct described in the Findings of Fact, Marcia J. Miller, R.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.
4. By the conduct described in the Findings of Fact, Marcia J. Miller, R.N., violated Wis. Admin. Code § N 7.03(8)(d), by having an error in prescribing, dispensing, or administering medication.

5. As a result of the above conduct, Marcia J. Miller, 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 Marcia J. Miller, R.N., is REPRIMANDED.
3. Within 120 days from the date of this Order, Marcia J. Miller, R.N., shall pay COSTS of this matter in the amount of \$390.00.
4. 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:


<https://app.wi.gov/DSPSMonitoring>

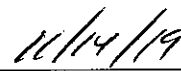
5. In the event Respondent violates any term of this Order, Respondent's license (87373-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARCIA J. MILLER, R.N.,
RESPONDENT.

STIPULATION

ORDER 0006528

Division of Legal Services and Compliance Case No. 18 NUR 742

Respondent Marcia J. Miller, 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 Mario Mendoza.
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 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.

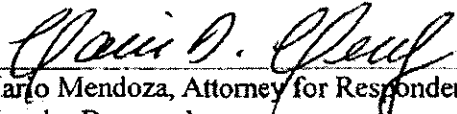
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



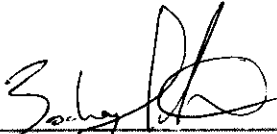
Marcia J. Miller, R.N., Respondent
1815 Taylor Street
Little Chute, WI 54140
License no. 87373-30

10/3/2019
Date



Mario Mendoza, Attorney for Respondent
Murphy Desmond
33 E Main Street, Suite 500
Madison, WI 53701

10/8/2019
Date



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

10/8/19
Date