

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

LAURA J. POSPYCHALA, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER U007035

Division of Legal Services and Compliance Case No. 19 NUR 280

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

Laura J. Pospychala, R.N.
Rhineland, WI 54501

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 Laura J. Pospychala, R.N., (DOB xx/xx/1965) is licensed in the state of Wisconsin as a registered nurse, having license number 139722-30, first issued on October 5, 2001, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Rhineland, Wisconsin.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a nursing home (Facility), located in Merrill, Wisconsin.

3. The Department received a complaint that alleged that on March 26, 2019, Patient A had an unresponsive episode and that Respondent failed to follow up with Patient A's physician and family about the change in medical condition for over two (2) hours.

4. On March 26, 2019, at approximately noon, Patient A was taken to the bathroom by CNA B, and while in the bathroom she made a crying out noise and went non-responsive on the toilet.

5. CNA B, with the assistance of Nurse C, transferred Patient A to her bed.

6. Witnesses reported that Patient A appeared to have one-sided weakness and eye droop.

7. Respondent entered the room but was not observed performing any kind of hands-on assessment with Patient A, nor was she seen going into Patient A's room at any time during the rest of her shift to check on Patient A.

8. At approximately 2:00 P.M., Nurse C entered Patient A's room and observed that she had not changed position from when they transferred her to the bed (undergarments and pants were off; oxygen was off her face).

9. The Assistant Director of Nursing (ADON) was contacted regarding Patient A and performed a hands-on assessment of Patient A. ADON observed Patient A was in bed, not responding to stimuli, with her right eye closed, left eye somewhat open, no verbalizations, unlabored respirations, no respiratory distress, and her right side seemed flaccid.

10. ADON asked Respondent if she had reported to Patient A's physician yet. ADON told Respondent to review Patient A's chart and contact the emergency contact. ADON also told Respondent to call the physician right away and request to send Patient A out per the emergency contact's wishes.

11. Respondent provided a response to the Department stating she thought Patient A had a vasovagal episode following an extra large bowel movement. She stated she obtained vitals, performed assessments, faxed the physician, and contacted the patient's power of attorney expressing concern regarding Patient A.

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, 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.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(j), by engaging in unsafe practice or substandard care, including failure to treat.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(p), by engaging in unsafe practice or substandard care, including failing to observe the conditions, signs and symptoms of a patient, record them, or report significant changes to the appropriate person.

3. 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 is REPRIMANDED.
3. The registered nurse license issued to Respondent (license number 139722-30) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of documentation, three (3) hours of education on the topic of ethics, and three (3) hours of education on the topic of standards of nursing care 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.
 - d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

4. Pursuant to the Enhanced Nurse Licensure Compact (Compact), Respondent may not practice in another Compact State, other than Wisconsin, while their license is encumbered by any term or restriction of this Order.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$599.00.

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

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

<https://dspsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (139722-30), 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.

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

WISCONSIN BOARD OF NURSING

by: 

A Member of the Board

10/8/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LAURA J. POSPYCHALA, R.N.,
RESPONDENT.

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STIPULATION
ORDER UUD7035

Division of Legal Services and Compliance Case No. 19 NUR 280

Respondent Laura J. Pospychala, 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.

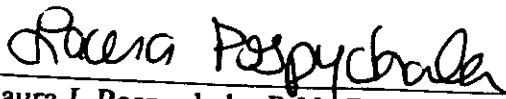
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

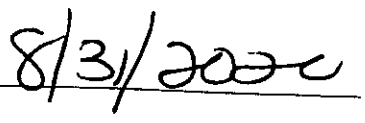
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

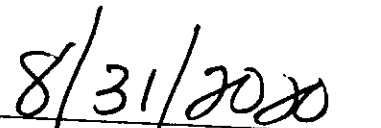


Laura J. Pospychala, R.N., Respondent
Rhineland, WI 54501
License No. 139722-30


Date



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


Date
9/2/2020