

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF

JODIE L. TIERNEY, R.N., N.H.A.,
LICENSEE.

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:
:
:

FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION

ORDER 0008008

Division of Legal Services and Compliance Case No. 20 NUR 505

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

Jodie L. Tierney, R.N., N.H.A.
Pewaukee, WI 53072

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. Licensee Jodie L. Tierney, R.N., N.H.A., (Year of Birth 1960) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 202208-30,¹ first issued on July 21, 1989 and current through February 29, 2024. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Pewaukee, Wisconsin 53072.

¹ Licensee is also licensed as a Nursing Home Administrator, having license number 3865-65, first issued on May 2, 2016 and current through June 30, 2022.

2. At all times relevant to these proceedings, Licensee was employed as a registered nurse at a community based residential facility in Verona, Wisconsin (Facility).

3. On September 28, 2020, at the start of her morning shift, Licensee was notified that a male resident born in 1942 (Resident A) had an unwitnessed fall at the Facility the previous day. A resident assistant informed Licensee that Resident A required more assistance ambulating that morning than he normally does. Resident A's family was present and reported that he was having difficulty walking and was uncomfortable. Licensee performed a physical assessment of Resident A and concluded there was no evidence of pain or discomfort.

4. Licensee asked Resident A's medical Power of Attorney (POA) if she wanted Resident A sent to the hospital for further evaluation, but the POA declined and said she would take Resident A herself.

5. Resident A's POA took him to a hospital for an evaluation, and he was diagnosed with an oblique fracture of the proximal left femoral neck. He was admitted to the hospital and underwent surgery to treat the fracture.

6. Following the above-described events, Licensee completed the following continuing education courses on the topic of falls and fall response, accredited by the American Nurses Credentialing Center's Commission on Accreditation, for a total of 9.1 hours:

- a. April 8, 2022: Falls and Legal Implications for Nurses (1 hour)
- b. April 10, 2022: Preventing In-Patient Falls: The Nurse's Pivotal Role (1 hour)
- c. April 11, 2022: Improving Fall Risk Assessment in Home Care: Interdisciplinary Use of the Timed Up and Go (2.1 hours)
- d. April 14, 2022: Interventions to Reduce the Incidence of Falls in Older Patients in Acute Care Hospitals (1.5 hours)
- e. April 15, 2022: How to Try This: Predicting Patient Falls (2.5 hours)
- f. April 15, 2022: How to Try This: The Hendrich II Fall Risk Model (1 hour)

7. This Final Decision and Order for Education does not constitute professional discipline and the Board has made no finding that Licensee engaged in unprofessional conduct.

8. Licensee denies any unprofessional conduct or deviation in the Standard of Care, but to resolve this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. The Board accepts the continuing education Licensee has already completed as listed in paragraph 6 of the Findings of Fact as satisfying the education the Board would have otherwise ordered.
3. None of the education referenced in the Findings of Fact in this Order may be used to satisfy any continuing education requirements that have been or may be instituted by the Board and may not be used in any future attempt to upgrade a credential.
4. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

6/9/22
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	STIPULATION
JODIE L. TIERNEY, R.N., N.H.A.,	:	
LICENSEE.	:	ORDER 0008008

Division of Legal Services and Compliance Case No. 20 NUR 505

Licensee Jodie L. Tierney, R.N., N.H.A., 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Mario Mendoza.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee 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 Licensee or Licensee'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 for Remedial Education.

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

8. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



Jodie L. Tierney, R.N., N.H.A., Licensee
Pewaukee, WI 53072
License No. 202208-30



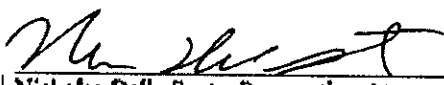
Date



Mario D. Mendoza, Attorney for Licensee
Murphy Desmond, S.C.
33 E. Main St., Ste. 500
Madison, WI 53701

May 9, 2021

Date



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

5/9/22

Date