

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

CLARE M. SOMMERS, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008485

Division of Legal Services and Compliance Case Nos. 21 NUR 799 and 22 NUR 004

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

Clare M. Sommers, R.N.
Oregon, WI 53575

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 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. Clare M. Sommers, R.N. (Respondent), (Year of Birth 1992) is licensed in the state of Wisconsin as a registered nurse, having license number 248297-30, first issued on June 6, 2019 and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oregon, Wisconsin 53575.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a health and rehabilitation center located in Stoughton, Wisconsin (Facility).

3. On December 15, 2021, Respondent was working the PM shift and provided care and treatment to an 82-year-old female patient (Patient A) that was in end-of-life status and under hospice care.

4. Respondent briefly assessed Patient A at the beginning of her shift at 3:30 p.m. as Respondent knew that Patient A did not have any treatments, medications, or monitoring due at the time. Respondent assessed that Patient A showed no nonverbal signs of pain.

5. Shortly after 6:00 p.m., the nurse practitioner (NP) called Respondent to check Patient A's condition. Respondent reported that Patient A had denied pain by shaking her head when asked. Respondent admitted that this was not true. Respondent did not ask Patient A about pain during the assessment and Patient A did not deny pain by shaking her head in the negative.

6. Just prior to the call, Respondent located a scrap of paper which appeared to have updated medication orders for Patient A. Because of the confusion caused by this scrap of paper, Respondent asked the NP about Patient A's medications. The NP informed Respondent that the current order for Patient A's pain medication was morphine twice per day plus 7.5mg, as needed, every two hours and lorazepam 0.5mg, as needed, every three hours. The NP stated that she could increase the as needed orders to every hour, if necessary. Respondent advised the NP that she had not seen Patient A in a few hours and needed to reassess her to determine the need for the increased orders. The NP did not issue any new orders at the time, and it was agreed that Respondent would reassess Patient A and call the NP back with the findings.

7. Respondent reassessed Patient A and found that Patient A's respirations were over 50 breaths per minute, she was taking shallow breaths, and had a SPO2 of 89%. Respondent noted Patient A's use of accessory muscles with mild nasal flaring. Patient A displayed no other nonverbal signs of pain. Respondent lifted the head of Patient A's bed, increased her oxygen, and administered an as needed dose of both morphine and lorazepam at approximately 6:15-6:30pm.

8. Respondent then attempted to contact the NP twice and left a voicemail each time. In the first voicemail, Respondent updated the NP on Patient A's status and requested the previously discussed order change to hourly, as needed, morphine and lorazepam. In the second voicemail, Respondent reported that Patient A had not improved and that her respirations were still above 50. Respondent urged the NP to call back so that she could begin administering the as needed medication pursuant to the increased frequency.

9. At approximately 7:45 p.m., not hearing back from the NP, Respondent administered to Patient A morphine 7.5mg and lorazepam 0.5mg. Respondent administered the medications again at approximately 9:00 p.m. At the time of these administrations, there was no verbal or written order for the increase in frequency.

10. At approximately 10:30 p.m., the NP returned the call to Respondent. Respondent admitted to the NP that she had lied to her earlier when she reported to her that Patient A had denied she was in pain. Respondent reported the results of her repeat assessment and the two doses of morphine and lorazepam at approximately 7:45 p.m. and 9:00 p.m.

11. The NP informed Respondent that she would increase the order for medication to morphine 7.5mg, as needed, every hour and lorazepam 0.5mg, as needed, every hour, effective as

of 6:30 p.m. The NP also ordered morphine 15mg, as needed, every 90 minutes, effective immediately. The NP told Respondent that if there was no improvement after 20 minutes, she should call hospice.

12. Following this phone call, at approximately 11:00 p.m., Respondent administered the as needed morphine and lorazepam to Patient A. After 20 minutes, there was no significant improvement in Patient A's condition, so Respondent called a hospice nurse, who later gave Respondent new orders from the on-call physician. Respondent put the new physician orders into the computer and handed the matter over to another nurse.

13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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 intentionally made incorrect entries in a patient's medical record or other related document within the meaning of Wis. Admin. Code § N 7.03(5)(b).

3. By the conduct described in the Findings of Fact, Respondent failed to perform nursing with reasonable skill and safety within the meaning of Wis. Admin. Code § N 7.03(6)(a).

4. By the conduct described in the Findings of Fact, Respondent departed from or failed 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 within the meaning of Wis. Admin. Code § N 7.03(6)(c).

5. By the conduct described in the Findings of Fact, Respondent failed to observe the conditions, signs and symptoms of a patient, record them, or report significant changes to the appropriate person within the meaning of Wis. Admin. Code § N 7.03(6)(p).

6. By the conduct described in the Findings of Fact, Respondent administered a drug other than in the course of legitimate practice or as otherwise prohibited by law within the meaning of Wis. Admin. Code § N 7.03(8)(c).

7. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c), and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse (license number 248297-30), and privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are 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 medication administration and three (3) hours of education on the topic of professional ethics, 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. 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.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$626.00.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

6. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.


7. In the event Respondent violates any term of this Order, Respondent's license (number 248297-30), 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

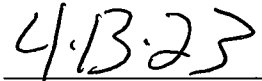
complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

By:


A Member of the Board of Nursing


Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CLARE M. SOMMERS, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008485

Division of Legal Services and Compliance Case Nos. 21 NUR 799 and 22 NUR 004

Clare M. Sommers, R.N. (Respondent) 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 Robert Ruth.

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

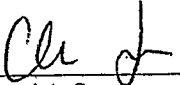
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order 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.

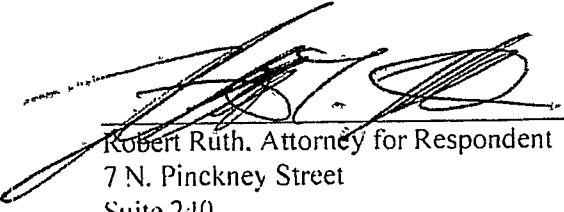
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Clare M. Sommers, R.N., Respondent
Oregon, WI 53575
License No. 248297-30

03/21/2023


Date



Robert Ruth, Attorney for Respondent
7 N. Pinckney Street
Suite 240
Madison, WI 53703

03/21/2023

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

3/22/2023

Date