

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
SOMMER R. BERTALOT, R.N., :
: FOR REMEDIAL EDUCATION
LICENSEE. :
:

ORDER 000849 1

Division of Legal Services and Compliance Case No. 22 NUR 234

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

Sommer R. Bertalot, R.N.
Monroe, WI 53566

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 Sommer R. Bertalot, R.N., (Year of Birth 1991) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 220877-30, first issued on March 2, 2015 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 Monroe, Wisconsin 53566.

2. At all times relevant to this proceeding, Licensee was employed as a registered nurse at a surgical center in Madison, Wisconsin (Facility).

3. On October 11, 2021, Patient A, a male born in 1962, was scheduled to undergo a left shoulder arthroscopy and rotator cuff repair with Physician B. Physician B was new to the Facility and did not have a Doctor Preference Card (DPC) on file indicating the supplies,

positioning, and medication she preferred for the procedure. Licensee was the operative nurse assigned to Patient A's procedure and had not worked with Physician B before.

4. The surgical team, including Licensee, met for a preoperative huddle where Physician B verbally indicated her preferences. During the huddle, Licensee asked Physician B how she wanted her epinephrine prepared, "in the [saline] bag or on the field?" Physician B told her "on the field."

5. Licensee was not used to administering epinephrine this way, so she asked Physician B again whether she wanted the epinephrine diluted in the saline bag. Physician B said no that she wanted it on the field. Licensee did not clarify further how Physician B wanted the epinephrine administered or in what dosage.

6. Licensee maintains that Physician B did not provide any further explanation or instructions, Physician B maintains that she further explained that she prefers to inject "local with epi" to help with postoperative pain control where the preoperative block sometimes does not reach.

7. Licensee retrieved two vials of epinephrine, a large reusable vial containing 30 mL and a small, single-use vial containing 1 mL, and showed them to Physician B who chose the 30 mL vial.

8. Licensee poured the contents of the selected 30 mL vial of epinephrine into a cup on the sterile field. The surgical tech then drew the epinephrine into a 30cc syringe and placed the syringe on the field. Licensee maintains the surgical tech labeled the syringe, but Physician B maintains the syringe was not labeled.

9. Physician B injected the medication in the 30cc syringe into Patient A who shortly began to develop an abnormal heart rhythm. A code was initiated and life-saving measures were attempted, but Patient A died.

10. Licensee maintains: (1) she did as she was directed by Physician B; (2) Physician B did not communicate or instruct that she wanted the epinephrine diluted with a local anesthetic; and (3) she did not expect Physician B to administer the entire 30mL dose of epinephrine.

11. In February 2023, Licensee successfully completed the Institute for Safe Medication Practices' 41-hour medication safety program with exam and submitted proof to the Department.

12. This Final Decision and Order for Remedial Education does not constitute professional discipline. 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 41 credit hours already completed as the equivalent of education it would have otherwise ordered. The 41 credit hours may not be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department and may not be used in any future attempt to upgrade a credential.

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

WISCONSIN BOARD OF NURSING

By: Robert W. Wampler
A Member of the Board

4-13-23
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :

SOMMER R. BERTALOT, R.N., :
LICENSEE. :

STIPULATION

ORDER 000849 1

Division of Legal Services and Compliance Case No. 22 NUR 234

Licensee Sommer R. Bertalot, 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. 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 Erik H. Monson.

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.

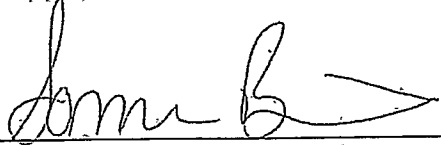
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

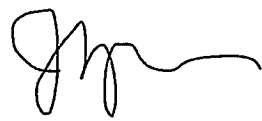
9. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Sommer R. Bertalot, R.N., Licensee
Monroe, WI 53566
License No. 220877-30

2/20/23
Date


Erik H. Monson, Attorney for Licensee
Coyne, Schultz, Becker & Bauer, S.C.
150 E. Gilman St., Suite 1000
Madison, WI 53703

2/20/23
Date


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

2/21/2023
Date