

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 :
 : FINAL DECISION AND ORDER
JUDITH L. GONGOLL, R.N. :
RESPONDENT. : **ORDER 0008805**

Division of Legal Services and Compliance Case No. 22 NUR 212

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

Judith L. Gongoll, R.N.
DePere, WI 54115

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. Judith L. Gongoll, R.N. (Respondent), (Year of Birth 1958) is licensed in the state of Wisconsin as a registered nurse, having license number 120654-30, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), first issued on July 26, 1995, 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 DePere, Wisconsin 54115.

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

3. On October 12, 2021, Patient A was admitted to the Facility for rehabilitation following exacerbation of congestive heart failure.

4. On October 24, 2021, Patient A choked on their morning medications. The morning shift RN (RN A) performed the Heimlich Maneuver twice on Patient A. RN A was able to dislodge the pills and followed up by checking Patient A's vital signs, which had returned to normal.

5. On October 24, 2021, at 4:20p.m., Patient A's family informed staff that the Heimlich Maneuver had been performed on Patient A earlier in the day and was now experiencing rib pain. The patient's attorney-in-fact requested an x-ray.

6. Respondent reported for her overnight shift at the Facility and assumed care of Patient A.

7. On October 24, 2021, at 10:33p.m., Patient A's x-ray results indicated that Patient A had bilateral, upper lobe infiltrates which may be due to pneumonia or pulmonary edema.

8. On October 24, 2021, at 11:56 pm, Respondent charted that she received the results of the x-ray with "no gross fracture of ribs on the left side," notified Patient A's attorney-in-fact, and placed a copy of the results in Patient A's physician's folder. Respondent neither informed Patient A's physician nor sought further orders regarding the results of the x-ray.

9. Respondent's nursing notes for the remainder of the NOC shift on October 24-25, 2021, do not indicate any evaluation or assessment of Patient A's condition or acknowledgement of Patient A's potential diagnoses from the x-ray.

10. On October 25, 2021, in the afternoon, Patient A's oxygen saturation levels decreased. Staff documented Patient A's earlier diagnosis of pneumonia and transfer to a local hospital.

11. Patient A was admitted to the hospital for possible aspiration pneumonia. Patient A died on November 2, 2021.

12. Respondent admits that she was focused on possible rib fractures and misinterpreted the remainder of the reported x-ray results.

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 provided substandard care through lack of knowledge, skill, or ability to discharge professional obligations within the scope of nursing practice, within the meaning of Wis. Admin. Code § N 7.03(6)(b).

3. By the conduct described in the Findings of Fact, Respondent failed to consult or delayed in consultation for clinical care beyond scope of practice, within the meaning of Wis. Admin. Code § N 7.03(6)(i).

4. 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).

5. 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 120654-30), 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 assessing pulmonary sounds/symptoms and three (3) hours of education on the topic of medical documentation offered by a provider pre-approved by the Board or its designee, 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 or its designee may change the number of credit hours and/or education topics in response to a request from Respondent. The Board or its designee 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 \$654.00.

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://dpsmonitoring.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 120654-30), 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

10/12/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JUDITH L. GONGOLL, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008805

Division of Legal Services and Compliance Case No. 22 NUR 212

Judith L. Gongoll, 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.

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. 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.

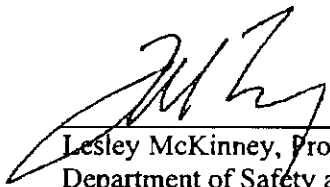
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Judith L. Gongoll, R.N., Respondent
DePere, WI 54115
License No. 120654-30

9/15/23

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

9/22/2023

Date