

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENT FOULKES, R.N.,
RESPONDENT.

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FINAL DECISION
AND ORDER

ORDER 0001781

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the attached Stipulation and Proposed Decision, makes the following:

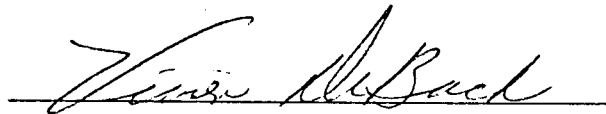
ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Kent Foulkes.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the Board of Nursing.

Dated this 20th day of September, 1983.



MB:cls
370-840

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENT FOULKES, R.N.,
RESPONDENT

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PROPOSED
DECISION

FINDINGS OF FACTS

1. That Kent Foulkes, hereinafter called the Respondent, was at all times relevant to this complaint duly licensed under the provisions of Chapter 441, Stats., to practice as a registered nurse in the State of Wisconsin.
2. That the Respondent's Registered Nurse license is number 73851, issued on September 1, 1979.
3. That the Respondent's address is P.O. Box 25, Nashotah, Wisconsin 53066.
4. That on October 16, 1980, the Respondent was convicted of disorderly conduct contrary to section 947.01(1), Stats, in the Circuit Court for Milwaukee County, Wisconsin, for acts which arose while the respondent was on duty as a registered nurse.
5. That the Respondent was sentenced to 90 days in jail for said conviction, said sentence being stayed and the Respondent being placed on probation for a period of two years.
6. That two letters describing the Respondent's rehabilitative efforts are attached as Exhibits A and B.

CONCLUSIONS OF LAW

1. That said conviction is substantially related to the practice of registered nursing.
2. That being convicted of a crime substantially related to the practice of nursing constitutes a violation of Wisconsin Administrative Code sections N 11.03(3)(a) and N 11.04.
3. That pursuant to section 441.07, Stats, the Board may take disciplinary action against the Respondent for violations of Board rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the Respondent, Kent Foulkes, shall be and hereby is reprimanded.

MJB:cls
911-080

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

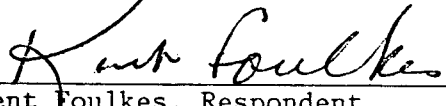
IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENT FOULKES, R.N.,
RESPONDENT

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STIPULATION

The parties in this matter agree and stipulate as follows:

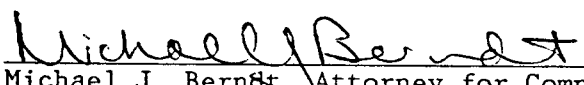
1. That the Respondent freely and voluntarily waives his right to a public hearing in this matter.
2. That the Respondent is aware of his right to an attorney in this matter and elects to proceed without counsel.
3. That the Respondent and the Complainant agree to the adoption of the attached Proposed Decision by the Board of Nursing.
4. That if the terms of this Stipulation are not acceptable to the Board of Nursing then the parties shall not be bound by any of the provisions of the Stipulation or Proposed Decision.
5. That the Attorney for the Complainant may appear at the Board of Nursing meeting at which the attached Proposed Decision is considered by the Board for purposes of speaking in favor of Board adoption of the Stipulation and Proposed Decision.



Kent Foulkes, Respondent

7/25/83

Date



Michael J. Berndt, Attorney for Complainant

5/26/83

Date

MJB:cls
916-007



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS
AREA OFFICE

February 8, 1983

Mr. Michael Berndt
Department of Registration and Licensing
Box 8936
Madison, WI. 53708

Bureau of Community Corrections
500 Riverview Av. - Rm. A-210
Waukesha, WI. 53186
544-8222

Dear Mr. Berndt,

This is in response to a recent telephone conversation I had with Mr. Foulkes in which he asked me to write you about his adjustment on probation.

I have been supervising Mr. Foulkes since October 16, 1980 when he was placed on probation for Disorderly Conduct, that being the incident you are aware of. That case has now been discharged but he is still on probation to me for an unrelated later incident. His final discharge date from probation will be on June 10, 1983.

Since being placed on probation, Kent has done quite well. He is displaying a positive and cooperative attitude towards his obligations. As a matter of fact, he has done so well that I am now only seeing him once every three months as apposed to the typical monthly reporting. I have encountered no problems with him over the past two years. He is steadily employed and has been trying to work things out for himself.

When Kent was placed on probation for his second case, he began seeing our psychologist intern on a weekly basis and this lasted until our intern left. Since that time, Kent has been involved in both group and individual treatment at the Milwaukee Counseling Center, his counselor being Chuck Kylie. That program started in August, 1981 and continued through September, 1982.

Overall, I would say that Mr. Foulkes has become more aware of his problem and has appeared to come to better grips with it. He also seems to have gained much insight into his difficulties and hopefully this would continue. I believe he has come a long way since 1980. It is, of course, ultimately up to him to succeed but I remain optimistic about his situation. He is a very intelligent individual and should cope better now.

I hope this has been of some help to you. If you have any questions, please feel free to contact me. Thank you!

Sincerely,

Lee F. Smith
Probation - Parole Agent

LFS/mw

Exhibit A

February 10, 1983

Mr. Michael Berndt
State of Wisconsin
Department of Registration
and Licensing
P.O. Box 8936
Madison, Wisconsin 53708

Re: Mr. Kent Foulkes

Dear Mr. Berndt:

It is a pleasure for me to be able to write this letter of support for Mr. Kent Foulkes. It was in Fall of 1981 that Mr. Foulkes and I began our therapeutic working relationship. That relationship lasted for several months. I also worked with Dorothy Foulkes, his wife, on an individual basis and in couples therapy with Kent. In all, I believe I saw Kent and Dorothy for approximately one year, during which time both of them made excellent progress in their personal growth. The spousal relationship also grew quite secure and mutually nurturing. I believe that growth continues for both of them and for their relationship.

As the direct result of Mr. Foulkes' commitment to deal with the stresses in his life, he has been able to reclaim himself and take charge of his personal and professional endeavors, in a way that is satisfying to him, his wife, and his current employer. Those problems in living which contributed to the inappropriate sexual intimacy between Mr. Foulkes and a male patient nearly two years ago have, through therapy, been either thoroughly ameliorated or considerably diminished. I cannot imagine the necessity of resurrecting this unfortunate incident at this time so distant from the historical occurrence. Mr. Foulkes has acknowledged the irresponsibility of his earlier behavior and adequately compensated, through probation, personal anguish, and therapy, for his previous actions. It is my strong belief that Mr. Foulkes will not repeat his self-destructive and self-victimizing behaviors in the future. He is receiving ample reward for the more self-affirming lifestyle he has adopted.

Therefore, I respectfully submit that this matter be placed to rest. It is in the past for Mr. Foulkes as it should be. I believe it should similarly be disposed of by the Department of Registration and Licensing. Thank you.

Should you require further information or comment, please feel free to contact me.

Yours sincerely,


Charles A. Kiley, MSSW

Exhibit B