

## 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 THE DISCIPLINARY  
PROCEEDINGS AGAINST

GAYLE I. MARTIN, L.P.N.,  
RESPONDENT

FINAL DECISION AND ORDER  
93 NUR 004

ORDER 0001845

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Gayle I. Martin  
1764 Pine Street  
Beloit, WI 53511

Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Gayle I. Martin, L.P.N. (D.O.B. 09/04/39) is duly licensed as a practical nurse in the state of Wisconsin (license #5427). This license was first granted on May 22, 1964.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1764 Pine Street, Beloit, WI 53511.

3. At all times relevant to this action, respondent was working as a practical nurse for Caravilla Retirement and Skilled Nursing Facility, West Sunny Lane, Beloit, Wisconsin.

4. On or about January 5, 1993, Ms. Martin failed to notify a physician when the 0600 hours glucometer reading for RG, a patient assigned to Ms. Martin's care, was 41 mg./dl. RG's medical orders required that the physician be notified if the glucometer reading fell below 100 mg./dl. At approximately 0800 hours, Ms. Martin administered 5 mg. of Micronase™ to RG without prior physician notification of RG's 0600 hours glucometer reading.

5. Micronase™ is a hypoglycemic; its administration lowers serum blood glucose (and hence, a patient's glucometer reading).

6. In resolution of this matter, Ms. Martin consents to entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

By the conduct described above, Gayle I. Martin is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §N7.03(1).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Gayle I. Martin to practice as a nurse in the state of Wisconsin is REPRIMANDED.

IT IS FURTHER ORDERED that Ms. Martin shall within six (6) months from the date of this order successfully complete 8 hours in continuing education acceptable to the Board in the areas of practice boundaries for licensed practical nurses, or in other areas acceptable to the Board. To be acceptable, the course or training shall be pre-approved by a member or designated agent of the Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Martin verifying that she attended the course in its entirety.

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Martin's license; the Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By: Jacqueline Johnson RN MS 9/10/93  
A Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
GAYLE I. MARTIN, L.P.N.,	:	93 NUR 004
RESPONDENT	:	

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It is hereby stipulated between Gayle I. Martin, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Martin's licensure by the Division of Enforcement (93 NUR 004). Ms. Martin consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Martin understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Martin is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Martin agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 for the Division of Enforcement and the member of the Board of Nursing assigned as an

advisor in this investigation may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Martin in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Gayle I. Martin  
Gayle I. Martin

9-3-93  
Date

Steven M. Gloe  
Steven M. Gloe  
Division of Enforcement

8.7.93  
Date

Mr. Glue:-

I do not have the money, energy or time to deal with this. If in fact you found no one else guilty of this then the record was altered. This was filed after Carculla (Debra Barth) found out I filed charges with the E.E.O.C. I will put my time & energy in that effort. I have advised me as to what comes next. I am unable to travel alone to far from my home because of my disability. Please let me know what type of further education, where. Thank you for your time.

Sincerely  
Gayle Martin

P.S. Could you please send me a signed copy of all of this as I will need this in the future. Thank you again

## **NOTICE OF APPEAL INFORMATION**

**(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)**

**The following notice is served on you as part of the final decision:**

### **1. Rehearing.**

**Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.**

**A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.**

### **2. Judicial Review.**

**Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing**

**within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.**

**The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.**

**The date of mailing of this decision is September 15, 1993.**



PDF: DE00000001537-19930910

Order Dates:  
SEP 10, 1993

Respondent Names:  
MARTIN, GAYLE I., LPN

Complaint IDs:  
93NUR004

Profession:  
LICENSED PRACTICAL NURSE

Boards:  
NUR

Short Description:  
REPRIMANDED. LIMITED. COMPLETE 8 CE HOURS BY 3/10/94.

Case Summary:  
FAILED TO NOTIFY PHYSICIAN WHEN PATIENT'S GLUCOMETER READING WAS  
41 MG./DL. MEDICAL ORDERS REQUIRED THAT PHYSICIAN BE NOTIFIED IF  
IT FELL BELOW 100 MG./DL. ADMINISTERED 5 MG. OF MICRONASE TO  
PATIENT WITHOUT PRIOR PHYSICIAN NOTIFICATION OF GLUCOMETER  
READING.

