

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

MARK JOHN. JENSEN, RN,
RESPONDENT

FINAL DECISION AND ORDER
95 NUR 084

ORDER 0001852

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

Mark John Jensen, RN
5336 Westport Road #5
Madison, WI 53704

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. Mark John Jensen (D.O.B. 08/30/62) is duly licensed in the state of Wisconsin as a registered nurse in the state of Wisconsin (license #97509). This license was first granted on September 4, 1987.

2. Mr. Jensen's latest address known to the Department of Regulation and Licensing is 5336 Westport Road #5, Madison, WI 53546.

3. On or about March 29, 1995, Mr. Jensen was found guilty on a plea of no contest to one count of Battery. True and correct copies of the Criminal Complaint, Information and Complaint in this matter are attached to this Order as Exhibit A. For the purposes of this action, Mr. Jensen agrees that the Board may assume Exhibit A accurately reflects the facts and circumstances surrounding Mr. Jensen's conviction. Exhibit A is incorporated by reference into this Order.

4. In resolution of this matter, Mr. Jensen consents to the entry of the following Conclusions of Law and Order.

4. Mr. Jensen has completed his criminal probation, including a program involving training in assertiveness, disagreement strategies, AODA, family dynamics and bases for abuse and violent behavior.

5. In resolution of this matter, Mr. Jensen consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Mark John Jensen is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin pursuant to Wis. Stats. §441.07(1)(d), and Wis. Adm. Code §7.04(1) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

ASSESSMENT

1. Within thirty (30) days from the date of this Order, Mr. Jensen shall submit to the Board a report of a mental health assessment from a health care provider. The assessor shall be approved prior to the assessment and acceptable to the Board; and the assessment shall specifically address Mr. Jensen's ability to safely and competently perform as a registered nurse.

a. The assessment shall occur within thirty (30) days from the date of its submission and reflect the fact that the person(s) performing the assessment received a copy of this Order and all attachments. The assessment report shall specifically address the issues of impulse control, stress management and anger management as they relate to Mr. Jensen's ability to safely and competently perform as a registered nurse.

The assessment report shall include: a description of the assessment process utilized; diagnosis; and recommendations for the need (if any) of future treatment and/or work restrictions. The Board may, in its discretion, request the assessor to appear before the Board (or its designated agent) in person or via telephone to answer any questions it may have on the assessment report.

b. Mr. Jensen shall provide the Board with current releases complying with state and federal laws, authorizing release and access to the records of the health care providers performing his assessment.

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

IT IS FURTHER ORDERED that the license of Mark John Jensen to practice as a registered nurse in the state of Wisconsin shall be LIMITED as follows:

2. Therapy

- a. If the assessment report referred to in ¶(1)(a) above recommends continued therapy, Mr. Jensen shall maintain successful participation in a program of treatment at a health care facility acceptable to the Board. As a part of treatment, Mr. Jensen must attend therapy on a schedule as recommended by his therapist; the Board may, however, in its discretion establish a minimum number of therapy sessions per month.
- b. If continued therapy is required under the terms of this Order, Mr. Jensen shall arrange for quarterly reports to the Board or its designated agent from his therapist evaluating his attendance and progress in therapy.
- c. If the assessment referred to in ¶(1)(a) above recommends work restrictions, Mr. Jensen shall comply with all restrictions recommended.

3. Scope of Practice

Until such time as otherwise ordered by the Board,

- a. Mr. Jensen shall practice only in settings where he works under supervision by another nurse or other licensed health care professional;
- b. Mr. Jensen shall refrain from nursing employment as a pool nurse, a visiting nurse or other home care practitioner;
- c. Mr. Jensen shall arrange for quarterly reports to the Board or its designee from his nursing employer(s) evaluating his work performance and compliance with the terms of this Order.

4. Notice

During the time that this Order remains in effect, Mr. Jensen shall provide all current and prospective nursing employers with a copy of this Final Decision and Order.

5. Petitions

Respondent may petition the Board at any time following six months from the effective date of this Order to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

6. Department Monitor

The Department Monitor is the individual designated by the Board as its

agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

7.

SUMMARY SUSPENSION

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 Respondent's license; the Board in its discretion may in the alternative impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

8. EFFECTIVE DATE OF ORDER

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

BOARD OF NURSING

By:

Ramona A. Mason
On behalf of the Board

5/3/96
Date

State vs Mark John Jensen

JUDGMENT OF CONVICTION

Sentence Withheld, Probation Ordered

Date of Birth: 08-30-1962

Case No.: 94CM000065

The ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

Ct.	Crime(s)	Wis Stat. Violated	Plea	Fel. or Misd.	Date(s) Crime Committed
1	Battery	940.19(1)	No Contest	MA	on or about 07-20-1994

IT IS ADJUDGED that the defendant is convicted on 03-29-1995 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
	03-29-1995	Withheld, Probation Ordered	1 YR	Must have one session of counseling and send the district attorney a report of the completion of the counseling.	PAP

FILED

IRON COUNTY WI

Conditions of Sentence/Probation

MAR 29 1995

CIRCUIT COURT
VIRGINIA M. GIACOMINO
CLERK

Miscellaneous Conditions:

Ct.	Condition Other	Comments
		V/W Fee \$50.00

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes.

IT IS ORDERED that the Sheriff execute this sentence.

BY THE COURT:

Patrick J. Madden, Judge


Circuit Court Judge/Clerk/Deputy Clerk

Date

3/29/95

EXHIBIT A

STATE OF WISCONSIN

CIRCUIT COURT

IRON COUNTY

STATE OF WISCONSIN,

Plaintiff,

**CRIMINAL COMPLAINT
AND SUMMONS**

VS.

Case No. 94-CM-65

FILED

IRON COUNTY, WI

AUG 22 1994

MARK JOHN JENSEN
6251 Redwood Rd.
Butternut, WI 54514

M/W DOB: 08/30/62,

CIRCUIT COURT
VIRGINIA M. GIACOMINO
CLERK

Defendant.

James W. Wicklund, being first duly sworn on oath, alleges on information and belief that on or about July 20, 1994, in the Town of Mercer, County of Iron, State of Wisconsin, the Defendant did:

Cause bodily harm to another, to-wit: H.H. (DOB: 04/17/90), by an act done with intent to cause bodily harm to that person and without the consent of the person so harmed, contrary to Section 940.19(1) of the Wisconsin Statutes.

PENALTY: A Class A Misdemeanor, pursuant to Section 940.19(1) of the Wisconsin Statutes, for which the maximum penalty is a fine not to exceed \$10,000 or imprisonment not to exceed nine (9) months, or both, pursuant to Section 939.51(3)(a) of the Wisconsin Statutes.

Your complainant prays that said Defendant be dealt with according to law, and the basis of your complainant's charge of such offense is as follows:

Your complainant is a Deputy Sheriff employed by the Iron County Sheriff's Department, and as such his information is deemed reliable. This complaint is based upon information received from Iron County Deputy Roy Foryan, a fellow law enforcement officer whose information is thus deemed reliable. This complaint is also based, in part, upon information received from Iron County Protective Services Worker Robert Glatczak, who has provided reliable information to your complainant in the past, and who your complainant thus believes to be reliable. This complaint is also based, in part, upon information received

from Toni Jensen, a citizen witness in this matter, whose information is thus deemed reliable. This complaint is also based in part upon information received from M.H. (DOB: 12/24/77), a citizen witness to crime in this matter, whose information is thus deemed reliable.

Your complainant received information from Iron County Protective Services Worker Robert Glatczak indicating that, on July 21, 1994, the Iron County Department of Human Services received a report of child abuse from a Social Worker employed by the Price County Department of Human Services. According to the report, the Defendant, Mark Jensen, had physically abused H.H. at the Defendant's Town of Mercer, Iron County residence. The Price County Social Worker informed Protective Services Worker Glatczak that she had interviewed H.H.'s mother and the Defendant's wife, one Toni Jensen, and H.H.'s older brother, M.H., with regard to the incident.

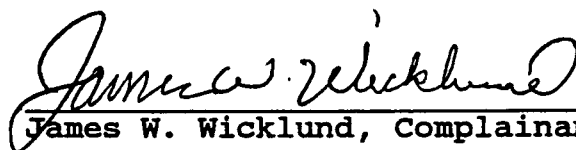
Based upon the report received from Price County, Protective Services Worker Glatczak contacted Toni Jensen via telephone, and asked her to bring H.H. and M.H. to the Iron County Sheriff's Department. Toni Jensen agreed to do so.

Upon their arrival at the Iron County Sheriff's Department, Toni Jensen, H.H., and M.H. were interviewed by Protective Services Worker Glatczak and Iron County Deputy Roy Foryan. Toni Jensen stated that, on the morning of July 20, 1994, she was going to drive to a nearby town, to go shopping, and decided to take H.H., who was somewhat whiny, with her, so that the Defendant could sleep, after working a midnight shift. However, according to Toni Jensen, the Defendant would not permit H.H. to accompany her. Toni Jensen stated that she woke her son, M.H., and asked him to watch H.H., so that the Defendant would not discipline her. Toni Jensen stated that she then went to town, and that, upon her return to the residence that she shared with the Defendant, she took H.H. outside and noticed numerous red marks and bruises on her face and neck. Toni Jensen stated that she asked the Defendant what had happened to H.H., and that the Defendant had told her that he had disciplined H.H.

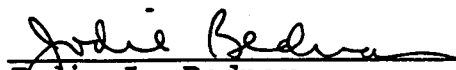
Protective Services Worker Glatczak and Deputy Foryan personally observed numerous red marks and bruises on H.H., including two marks on her cheek bone, near her right eye. The marks looked like finger marks, according to Protective Services Worker Glatczak, in that they were shaped like human fingers. Protective Services Worker Glatczak and Deputy Foryan also observed red marks on the right side of the back of H.H.'s neck, and a small finger-like mark on H.H.'s lower right cheek. They also noted two small abrasions on H.H.'s right temple.

H.H. informed Protective Services Worker Glatczak and Deputy Foryan that the Defendant had struck her, thus causing the marks on her face and neck. H.H. further stated that the Defendant had hurt her.


M.H. verified that his mother, Toni Jensen, had awakened him on the morning of July 20, 1994, and had asked him to watch H.H., and to watch the Defendant, so that he did not hurt H.H. M.H. stated that he complied with Toni Jensen's request, in that he got up and went into the living room, and sat on the couch, near H.H. and the Defendant. M.H. stated that the Defendant placed H.H. in a chair, and that he held H.H. in the chair, leaning onto her with his body weight, and causing her body to bend. M.H. indicated that the Defendant held H.H.'s head down, and held her hands still, all the while leaning on her back. M.H. said that H.H. attempted to struggle, and that H.H. was crying, "You're hurting me, you're hurting me. My head hurts. You're hurting my arms. You're hurting my legs." According to M.H., the Defendant held H.H., with her head and neck forced down, for several minutes. M.H. stated that, when the Defendant finally permitted H.H. to get up, she walked in a stooped-over fashion, with her chin on her chest.


James W. Wicklund, Complainant

Subscribed and sworn to before me
this 22nd day of August, 1994.


Jodie L. Bednar
District Attorney

APPROVED FOR FILING:


Jodie L. Bednar
District Attorney

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARK JOHN. JENSEN, RN,	:	95 NUR 084
RESPONDENT	:	

It is hereby stipulated between Mark John Jensen, personally on his 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 Mr. Jensen's licensure by the Division of Enforcement. Mr. Jensen consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Jensen understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Americans with Disabilities Act of 1992, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Jensen is aware of his right to seek legal representation and has been provided the opportunity to obtain legal advice prior to signing this stipulation.

4. Mr. Jensen 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 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.

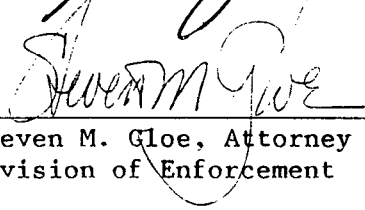
7. The Division of Enforcement joins Mr. Jensen in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



Mark John Jensen, RN

4/30/76

Date



Steven M. Gloe, Attorney
Division of Enforcement

4-29-96

Date

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

May 6, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which the petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

5. The savings bank review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.



PDF: DE00000002059-19960503

Order Dates:

MAY 03, 1996

Respondent Names:

JENSEN, MARK, RN

Complaint IDs:

95NUR084

Profession:

REGISTERED NURSE

Boards:

NUR

Short Description:

SUBMIT REPORT OF A MENTAL ASSESSMENT FROM A HEALTH CARE PROVIDER.
LIMITED.

Case Summary:

FOUND GUILTY ON A PLEA OF NO CONTEST TO ONE COUNT OF BATTERY.
COMPLETED CRIMINAL PROBATION.

