

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

BERNADETTE M. MARTIN, LPN,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0112064NUR

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The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Bernadette M. Martin, LPN  
W9277 River Road  
Phillips, WI 54555

Wisconsin Board of Nursing  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation And Licensing  
Division of Enforcement  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Board of Nursing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Bernadette M. Martin, LPN, personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Board of Nursing makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Bernadette M. Martin, LPN, W9277 River Road, Phillips, Wisconsin 54555, was born on 5/30/43 and has been licensed to practice as a practical nurse in the state of Wisconsin since 3/22/94, license #32361.
2. On 2/9/98, Bernadette M. Martin, LPN, was employed at the Pleasant View Nursing Home in Phillips, Wisconsin and had responsibility for providing nursing care to a resident, C.H. C.H. had a history of loose stools and emesis and had a prn order for Imodium. On 2/4/98, the resident's physician had made a diagnosis of acute renal failure. On the evening of 2/9/98, C.H. had a loose stool and the CNA attending the resident noted that the resident was pale and sweating profusely after having the loose stool. The CNA reported this incident and her observations to Ms. Martin. Ms. Martin responded by going to the resident's room and observing him. Ms. Martin also observed that the patient appeared to be pale. She administered Imodium pursuant to the prn order. She charted the loose stool and the administration of the Imodium. Subsequently, at approximately 2210 on 2/9/98, the CNA advised Ms. Martin that C.H. had a small emesis of approximately ¼ cup of undigested food and phlegm. Ms. Martin

directed the CNA to take C.H.'s temperature. C.H.'s rectal temperature was 99.0 F and the CNA reported this finding to Ms. Martin. The patient did not present any adverse symptoms for the remainder of Ms. Martin's shift. Ms. Martin did not chart in the resident's medical record the emesis, the rectal temperature or the observations of sweating and pallor. After 0005 on 2/10/98, the resident's condition began to decline with deteriorating vital signs and oxygen saturation levels. The resident's physician, in accordance with the resident's and the resident's family's wishes elected not to treat the resident aggressively and, following a rapid deterioration of the resident's condition, the resident expired at 0212 on 2/10/98.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this proceeding pursuant to sec. 441.07, Stats.
2. The Wisconsin Board of Nursing has the authority to resolve this disciplinary proceeding by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Bernadette M. Martin's conduct as set forth in the Findings of Fact was conduct that violated sec. 441.07(1)(c), Stats. and Wis. Admin. Code sec. N 7.03(1)(c) in that she failed to record in the resident's medical record the condition, signs and symptoms of the resident on the evening of 2/9/98.
4. The Wisconsin Board of Nursing has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Bernadette M. Martin, LPN.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Bernadette M. Martin is REPRIMANDED.

IT IS FURTHER ORDERED that Bernadette M. Martin's license to practice as a practical nurse in the state of Wisconsin is limited under the following terms and conditions:

1. Bernadette M. Martin will, within nine (9) months of the date of this Final Decision And Order, take and complete a total of 10 credit-hours of instruction on the nursing assessment of geriatric patients and the charting of the results of the assessments. Each course attended in satisfaction of this Order must be pre-approved by the Wisconsin Board of Nursing or its designee and must be attended in its entirety. Bernadette M. Martin will be responsible for locating courses satisfactory to the Wisconsin Board of Nursing or its designee and for obtaining the required approval of the courses from the Wisconsin Board of Nursing or its designee.
2. Bernadette M. Martin will be responsible for all costs associated with attending these courses.
3. Bernadette M. Martin will file with the Wisconsin Board of Nursing certifications from the sponsoring organizations of her attendance at the required courses and her affidavit stating under oath that she has attended each course in its entirety. The certifications of attendance from the sponsoring organizations and Bernadette M. Martin's affidavit will be filed with the Wisconsin Board of Nursing within 60 days of the date on which the courses are concluded.
4. All certifications, affidavits or other documents required to be filed with the Wisconsin Board of Nursing and all requests for approval of courses will be filed with:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

1400 East Washington Ave.

Madison, WI 53708-8935

FAX (608) 266-2264

All certifications, affidavits or other documents required to be filed with the Wisconsin Board of Nursing will be deemed filed with the Wisconsin Board of Nursing upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Bernadette M. Martin will pay the costs of this proceeding in the amount of \$100.00 to the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, within 30 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that Bernadette M. Martin will appear before the Wisconsin Board of Nursing, as the Wisconsin Board of Nursing directs, to demonstrate to the Wisconsin Board of Nursing full compliance with all of the terms of this Final Decision and Order. If Bernadette M. Martin has fully complied with the terms of this Final Decision and Order and Bernadette M. Martin has satisfied all other requirements for licensure, the Wisconsin Board of Nursing will remove all limitations from her license.

IT IS FURTHER ORDERED that this Final Decision and Order is effective on the date upon which this Final Decision and Order is signed by the Wisconsin Board of Nursing.

IT IS FURTHER ORDERED that pursuant to sec. 227.51(3), Stats., if the Wisconsin Board of Nursing finds that Bernadette M. Martin has violated the terms of this Final Decision and Order and the public health, safety or welfare imperatively requires emergency action, the Wisconsin Board of Nursing may order that the license of Bernadette M. Martin to practice as a practical nurse in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Board of Nursing for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 6<sup>th</sup> day of December, 2001.

WISCONSIN BOARD OF NURSING

Ann Brewer, RN

Member, Wisconsin Board of Nursing