

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PAMELA J. KESTIN, R.N.,	:	LS0412071NUR
RESPONDENT.	:	

[Division of Enforcement Case # 01 NUR 327]

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

Pamela J. Kestin
N7696 Cardinal Drive
Portage, WI 53901

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal complaint was filed in this matter on December 1, 2004. Prior to the matter proceeding to a hearing, the parties agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. 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. Pamela J. Kestin, formerly known as Pamela J. Davison, Respondent, date of birth October 29, 1952, was licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 97568 which was first granted September 4, 1987. Respondent's license is currently suspended.

2. Respondent's last address reported to the Department of Regulation and Licensing is N7696 Cardinal Drive Portage, WI 53901.

3. At all times relevant to this matter, Respondent was employed by the Department of Corrections as a registered nurse in the Health Services Unit (HSU) at the Columbia Correctional Institution in Portage, Wisconsin.

4. Between August 7 and August 8, 1999, OW, an inmate with asthma, reported to the guards of his housing unit that he was having trouble breathing. The unit guards notified the "shift" commander who then notified Respondent, who was the nurse on call at the time.

5. Respondent ordered the unit commander to have his staff take OW's breathing inhalers away from OW. The unit commander followed Respondent's request and had his staff take OW's inhalers.

6. After OW's inhalers were taken, OW began shaking, jumping up and down, and complaining that he could not breathe. The guards in OW's unit handcuffed OW to take him to the HSU. On the way to the HSU, OW collapsed on the ground and could not walk the rest of the way. The guards then dragged OW the remainder of the way to the HSU.

7. Respondent arrived at the HSU approximately 45 minutes after OW arrived. Respondent checked OW's vital signs and placed a capsule of smelling salts under OW's nose. Respondent then told OW and the unit commander that OW was "faking" an asthma attack.

8. Respondent failed to conduct an adequate assessment and evaluation of OW.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's failure to conduct an adequate assessment and evaluation of OW violates Wis. Adm. Code §§ 17.03(1)(a) and (b) and N 7.04(4) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(b).

3. Respondent, by violating the rules adopted by the Board, has committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(15), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Pamela J. Kestin, Respondent, of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. Respondent shall, within two years of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$1,200.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

Wisconsin Board of Nursing

By: Jacqueline Johnsrud
A Member of the Board

4-14-05
Date