

# 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 :

DOUGLAS D. COMBS, RN,  
RESPONDENT. :

FINAL DECISION AND ORDER  
LS0701253NUR

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Division of Enforcement Case No.  
03NUR166

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

Douglas D. Combs, RN  
15544 W. Francis Rd.  
Evansville, WI 53536

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 & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Wisconsin Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. Douglas D. Combs, RN, date of birth 8/24/56, is duly licensed as a registered nurse in the state of Wisconsin, license #139601. This license was first granted on 9/14/01.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 15544 West Francis Road, Evansville, Wisconsin 53536
3. At all times relevant to this action, Respondent was working as a registered nurse at St. Mary's Hospital Medical Center in Madison, Wisconsin.
4. L.L., the patient herein, was admitted to the ICU at St. Mary's Hospital Medical Center on 6/21/03 following a cardiac arrest and resuscitation. She remained in cardiogenic shock, respiratory failure and renal failure and was receiving ventilatory support. Respondent was responsible for providing nursing care for this patient on 6/22/03.
5. Respondent received an order from the patient's physician directing that the patient's respiratory rate be increased to 20 and that arterial blood gases be obtained in one hour. Respondent did not contact the respiratory therapy department to implement the changes to the ventilator settings. Respondent, without consultation with the respiratory therapy department, changed the ventilator rate from 10 to 20 but did not make the necessary corresponding increase in the minute volume.
6. Respondent was not qualified by education, training or experience to make adjustments to the ventilator settings.
7. The patient, following the Respondents adjustment to the ventilator settings, experienced increased respiratory distress and metabolic acidosis.

## CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraphs 3 through 7, above, constitutes a violation of Wis. Admin. Code § N 7.03(1)(g) in that Douglas D. Combs performed services as a registered nurse for which he was not qualified by education, training or experience.
3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Douglas D. Combs.
4. This Final Decision and Order shall not be construed as a Board of Nursing finding of caregiver misconduct, abuse or neglect of a client, or misappropriation of the property of a client within the meaning of Wis. Stat. §§ 48.685 and 50.065.

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Douglas D. Combs, RN, is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Douglas D. Combs will, within 6 months from the date of this Order, pay costs of this proceeding in the

amount of \$2,110.83. Payment will be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Douglas D. Combs' 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. In the event Douglas D. Combs fails to pay costs as ordered or fails to comply with the ordered continuing education, Douglas D. Combs' license #139601 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

1/25/07  
Date

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
DOUGLAS D. COMBS, RN, :  
RESPONDENT. :

STIPULATION  
LS# \_\_\_\_\_

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Division of Enforcement Case No.  
03NUR166

It is hereby stipulated between Douglas D. Combs, RN, and by his attorney, Hal Harlowe; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement, case 03NUR166. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing 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 Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Wisconsin Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Douglas D. Combs, RN  
15544 W. Francis Rd.  
Evansville, WI 53536

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Date

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Hal Harlowe  
Attorney for Douglas D. Combs, RN  
Hal Harlowe and Associates, S.C.  
519 North Pinckney St.  
Madison, WI 53703-1473

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Date

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Gilbert C. Lubcke, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date