

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
MARC ALDEN EICHSTEADT, R.N.,	:	LS0801242NUR
RESPONDENT.	:	

[Division of Enforcement Case # 07 NUR 355]

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

Marc Alden Eichsteadt, R.N.
W8890 Middle Road
Watertown, WI 53098

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

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 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. Marc Alden Eichsteadt, R.N., Respondent, date of birth March 26, 1958, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 113779, which was first granted September 24, 1993.
2. Respondent is also currently licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 30237, which was first granted June 6, 1990.
3. Respondent's address of record with the Department of Regulation and Licensing is W8890 Middle Road, Watertown, WI 53098.
4. At all times relevant to this matter, Respondent was employed as a registered nurse at Countryside Home (facility), a nursing home in Jefferson, Wisconsin.
5. REC (DOB 2/10/30) had been admitted to the facility on September 19, 2007 from Watertown Hospital. He had an extensive medical history, including pulmonary embolisms, prostate cancer, coronary artery disease, malnutrition and, most recently, months of chronic diarrhea secondary to ischemic colitis. Physicians had ordered parenteral nutrition (TPN) to aid in the healing of REC's gastrointestinal tract.
6. Upon admission, REC indicated that if he was in need of life-sustaining treatment, he did want to be resuscitated. He specifically deferred a decision concerning administered fluids and nutrition. No health care power of

attorney was necessary.

7. On October 6 and 7, 2007, REC experienced extreme sharp musculoskeletal back pain. He refused all oral medications because he said they made him feel nauseated. With a physician's order, he was given morphine sulfate and at times, he became unresponsive.

8. On October 7, 2007, Respondent was the charge nurse on duty for the evening shift. Respondent was responsible for REC. Respondent is married to Bridget; Bridget is REC's step-daughter.

9. At 22:00 on October 7, Respondent called Bridget and reported that REC's condition appeared to be increasingly grave. According to Respondent's note, "[Bridget] agreed that at this point in time his TPN should be held." At 22:06, REC was not responding to verbal stimulus and upon turning, moaned in pain.

10. Respondent had repeated contact with REC's physician through the evening of October 7, but Respondent never obtained a physician's order to discontinue the TPN.

11. Respondent did not obtain permission from REC to discontinue the TPN.

12. On October 7, 2007 at 22:00, no health care power of attorney existed for REC.

13. On the morning of October 8, 2007, facility staff started the TPN again. On that same date, Bridget and her brother were given REC's health care power of attorney.

14. Respondent explains that he did not restart the TPN because he wanted to relieve REC's congestion. Respondent states that he should have advised the on-call physician of his decision to discontinue the TPN at Bridget's request. Respondent explains that he used bad judgment because he loved REC and was emotionally distraught.

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, by engaging in the conduct set out above, has committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(5) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Marc Alden Eichsteadt, R.N., is hereby REPRIMANDED for the above conduct.

2. Respondent shall not provide nursing services to family members.

3. Respondent shall provide current and future employers with a copy of this Order.

4. Respondent's license is further LIMITED as follows:

a. Within 180 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of six (6) hours of continuing education in the following areas: three (3) hours in boundaries and three (3) hours in legal issues, which course(s) shall first be approved by the Board, or its designee.

b. Upon Respondent providing proof sufficient to the Board, or its designee, that he has completed the education, the Board shall issue an Order removing this limitation of Respondent's license.

5. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$435.00 pursuant to Wis. Stat. § 440.22(2).

6. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

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

7. 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 Respondent'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. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

1/24/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARC ALDEN EICHSTEADT, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 07 NUR 355]

It is hereby stipulated and agreed, by and between Marc Alden Eichsteadt, R.N., Respondent; and Sandra L. Nowack, attorney for the Complainant, 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 (file 07 NUR 355). 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 been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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 or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, if any, 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 case 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. Respondent is further informed that should the Board adopt this Stipulation, the Board’s Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, he will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.
9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Marc Alden Eichsteadt, R.N.
Respondent
W8890 Middle Road
Watertown, WI 53098

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date