

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

SANDRA L. FENDT, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001061

Division of Enforcement Case No. 10NUR517

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

Sandra L. Fendt, R.N.
7280 Lake Street
Lannon, WI 53046

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Safety and Professional Services
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 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. Sandra L. Fendt, R.N., (D.O.B. 9/22/1958) is licensed as a professional nurse in the State of Wisconsin pursuant to license no. 30-97294. This license was first granted on September 4, 1987.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 7280 Lake Street, Lannon, WI 53046.

3. At all relevant times, Respondent was employed as a professional nurse by the State of Wisconsin Department of Corrections in Milwaukee, Wisconsin.

4. On September 30, 2010, Respondent pled no contest to Operat[ing] with Controlled Substance (1st), a class U forfeiture (diazepam). Respondent's driving privileges were revoked for six-months, Respondent was ordered to complete an Alcohol Assessment Program, and pay a forfeiture and costs.

5. On October 15, 2010, Respondent successfully completed the Alcohol Assessment Program and it was determined that while she was irresponsible, Respondent did not have any dependency or addiction concerns. No treatment program was recommended by the assessment counselor.

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 above constitutes a violation of Wisconsin Administrative Code §§ N 7.03(2) and 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stats. §§ 441.07(1)(c) and (d).

ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

1. Respondent, Sandra L. Fendt, R.N., is REPRIMANDED.

2. The license of Sandra L. Fendt, R.N., to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

a. Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education addressing ethical distribution of prescribed medication within ninety (90) days of the date of this Order. Respondent is responsible for finding appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the ninety (90) day time frame, taking into account the board's meeting schedule. Respondent shall provide proof of completion of the continuing education to the Department Monitor.

b. For a period of at least two (2) years from the date of this Order:

- i. Respondent shall not consume any controlled substance listed in Schedule I-IV without a valid prescription of an authorized prescriber, and for a valid medical purpose. Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis, forthwith upon such request.
- ii. Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, during the two-year period.
- iii. Respondent's supervisor(s) shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.
- iv. Respondent shall practice only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing or agency setting.
- v. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
- vi. During the pendency of this Order and any subsequent related Orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

3. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Respondent shall, within 90 days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of Five Hundred Dollars (\$500.00), pursuant to Wis. Stat. § 440.22(2).

5. Any requests, petitions, reports, or payments shall be mailed, faxed or delivered to:

Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. 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 comply with the ordered continuing education or fails to timely submit payment of the costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

Dated at Madison, Wisconsin this 1 day of Sept 2011.

Wisconsin Board of Nursing

By: Lois A. White CRNA, APRO
A Member of the Board