

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	:	
	:	FINAL DECISION AND ORDER
JULIE J. MARTIN, L.P.N.,	:	
RESPONDENT.	:	ORDER 0001443

Division of Enforcement Case Nos. 11NUR470 & 12NUR046

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

Julie J. Martin, L.P.N.
N5742 State Road 89
Lake Mills, WI 53551

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

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. Julie J. Martin, L.P.N., (DOB 04/30/1971) is licensed as a practical nurse in the State of Wisconsin (license no. 34049-31). This license was first granted on February 24, 1997.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is N5742 State Road 89, Lake Mills, WI 53551. Upon information and belief, Respondent currently resides at 450 B Quiet Meadow Lane, Johnson Creek, WI 53038.

3. On January 15, 2010, Respondent pled no contest to operating while under influence (3rd) in Jefferson County, Case Number 2009CT000534. Respondent is currently in recovery and seeking treatment for her long standing substance abuse issues.

4. On September 7 and 16, 2011, Respondent telephoned Walgreen's Pharmacy and impersonated a physician's assistant who worked at the same clinic as Respondent. Respondent ordered a prescription for Hydrocodone #30 and picked up the prescription. When questioned by her employer, Respondent admitted to calling in the prescriptions for herself using someone else's name. Respondent's employment was terminated.

5. On September 19, 2011, the Texas Board of Nursing issued an Order in which Respondent voluntarily surrendered her license. The Order, attached as Exhibit A and incorporated herein by reference, was based primarily on Respondent's conviction of operating under the influence and a pattern of medication errors.

6. Respondent has cooperated fully with the Department, is actively engaged in treatment, and her Stipulation to this Order is evidence of her commitment to practice nursing in a safe and effective manner.

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 4-5 above constitutes a violation of Wisconsin Admin. Code § N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. §§ 441.07(1)(d).

3. The conduct described in paragraph 5 above constitutes a violation of Wisconsin Admin. Code §§ N 7.03(1)(b), 7.03(2), 7.04(2), 7.04(7) and 7.04(8) and subjects Respondent to discipline pursuant to Wis. Stat. §§ 441.07(1)(c) and (d).

ORDER

IT IS ORDERED:

1. The SURRENDER of the license of Julie J. Martin to practice nursing in the State of Wisconsin is hereby accepted.

2. The SURRENDER of the privilege of Julie J. Martin to practice nursing in the State of Wisconsin under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent re-applies for licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing.

4. Prior to re-applying for licensure as a nurse in the State of Wisconsin, Respondent shall, at her own expense, successfully complete four (4) hours of pre-approved continuing education in medication administration and four (4) hours of pre-approved continuing education in professional accountability. Respondent is responsible for finding appropriate courses and submitting the course information to the Board, or its designee, for approval prior to taking the course. Respondent shall submit proof of successful completion of the continuing education to the Board with her application for licensure.

5. Upon applying for licensure, Respondent shall provide the Board with the following:

- a) Proof of successful completion of the continuing education ordered in paragraph 4 above;
- b) An alcohol and other drug abuse assessment completed within three months of Respondent's application with an opinion that Respondent is fit to return to the practice of nursing;
- c) A report from Respondent's treatment counselor addressing Respondent's progress and her current status, with an opinion that Respondent is fit to return to the practice of nursing;
- d) A report from Respondent's treatment counselor addressing Respondent's participation in alcohol anonymous/narcotics anonymous meetings and demonstrating a track record of consistent bi-weekly attendance for at least three months;
- e) Three negative drug screens completed within one month of Respondent's application.

6. In the event that Respondent ever reapplies for any credential in Wisconsin Respondent shall, prior to such application, pay costs of this proceeding in the amount of two hundred fifty dollars (\$250.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817

Fax (608) 266-2264

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

Board of Nursing

By: L. Menger
A Member of the Board

3/22/12
Date

ORDER OF THE BOARD

FINDINGS OF FACT

4. Respondent's nursing employment history continued:

06/2005 - 07/2005		Unknown
08/2005 - 10/2006	LVN	Lufkin Memorial Hospital Lufkin, Texas
11/2006 - 01/2008	LVN	Harris Methodist Hospital Stephenville, Texas
02/2008 - 06/2009	LVN	Comanche County Medical Center Comanche, Texas
07/2009 - 08/2009		Unknown
09/2009 - Unknown	LVN	Interim Health Care Unknown

5. On July 15, 2009, the Board provided notice to Respondent for the following allegations:

- a. On or about November 27, 2007, Respondent was arrested and charged with "Driving while Intoxicated" (A Class B Misdemeanor offense) by the Texas Highway Patrol.
- b. On or about January 11, 2008, Respondent was arrested and charged with "Assault of a Public Servant" (A 3rd Degree Felony Offense); with "Resisting Arrest, Search or Transportation" (A Class A Misdemeanor offense); and with "Reckless Driving" (A Class B Misdemeanor offense) by the Stephenville Police Department.
- c. On or about March 10, 2009, while employed with Comanche County Medical Center, Comanche, Texas, Respondent failed to administer the ordered dose of Robaxin 1000 (one thousand) milligrams intravenously to Patient Medical Record Number V256904 and instead administered 6,000 (six thousand) milligrams, in error, causing the patient to become lethargic and her oxygen saturation to drop.
- d. On or about May 30, 2009, while employed with Comanche County Medical Center, Comanche, Texas, Respondent failed to correctly administer phenergan to Patient Medical Record Number M000008676, as ordered, by giving a second dose one and a half hours after the first dose, when it was ordered to be given every four (4) to six (6) hours as needed for nausea and/or vomiting.
- e. On or about June 11, 2009, while employed with Comanche County Medical Center, Comanche, Texas, Respondent twice failed to notify her Supervisor that she was leaving the unit to smoke a cigarette after receiving report at 24:00 and again at 03:00, leaving her assigned patients unattended.

- f. On or about June 11, 2009, while employed with Comanche County Medical Center, Comanche, Texas, Respondent falsely claimed and documented that ninety three (93) year old Patient Medical Record Number M00004728, who was admitted for treatment of pneumonia, had complained of nausea so that she could administer phenegan twelve and a half (12.5) milligrams, intravenously, to keep the patient quiet during her shift. Further, Respondent failed to appropriately assess and intervene after she found Patient Medical Record Number M00004728 agitated and trying to get out of bed (possibly exhibiting an adverse reaction to the phenegan administered at 00:45). Respondent admitted to the oncoming shift, that she had administered one and seven tenths (1.7) milligrams of Ativan, a drug used to treat anxiety and produce sedation, calling it a "Texas sized dose" and then falsely documented she had administered one (1.0) milligram, as ordered, and had then wasted the remaining one (1) milligram. At 04:00 Respondent charted the patient was resting in bed, eyes closed, and no distress was noted. At 05:45 Respondent reported off to the next shift. At 05:50 the next shift nurse found the patient on the floor with a large amount of bleeding noted from multiple injuries to the head, arm, hand and elbow.
6. On July 18, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated July 15, 2011, is attached and incorporated herein by reference as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(D), (1)(I),(1)(M)&(2)(A) and, 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(A).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

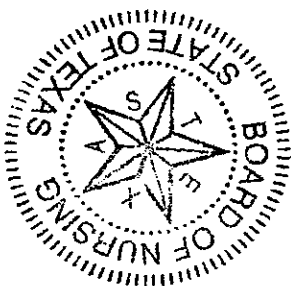
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 199238, heretofore issued to JULIE JEANETTE MARTIN, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.


IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 19th day of September, 2011.



TEXAS BOARD OF NURSING

By:


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

Julie Jeanette Martin
225 Tanagerack Drive #9
Lake Mills, Wisconsin 53551
Texas LVN License #199238

Voluntary Surrender Statement

July 15, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse ^{in Texas.} Accordingly, I voluntarily surrender my license to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature

Date

Texas Nursing License Number/s

The State of Texas

Before me, the undersigned authority, on this date personally appeared who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me this 15th day of July, 2011.

SEAL

Donna J. Higgins
Notary Public in and for the State of Wisconsin
My Commission Expires 12-21-2014