

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
MARK R. FORTMAN, R.N. : FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
: ORDER 0002426

Division of Legal Services and Compliance Case No. 13 NUR 016

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

Mark R. Fortman, R.N.
51 Bel Aire Drive
Madison, WI 53713-4719

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee Mark R. Fortman, R.N., (dob January 8, 1955) is licensed in the State of Wisconsin as a professional nurse, having license number 135141-30, first issued on June 15, 2000 and current through February 28, 2014. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 51 Bel Aire Drive, Madison, Wisconsin 53713-4719.

2. At all times relevant to this proceeding, Licensee was employed as a professional nurse at a nursing home, located in Stoughton, Wisconsin.

3. On or about December 14, 2012, Licensee pulled Patient A down the stairway by Patient A's ankles.
4. Patient A repeatedly hit his buttocks and lower back on the stairs.
5. Patient A suffered scratches, swelling and pain as a result of being pulled down the stairs by his ankles.
6. Licensee failed to document the incident or the injury.
7. Licensee used this technique as the safest way to get the resident down the steps due to Patient A's phobia about walking down a flight of stairs. Licensee indicates the facility failed to develop a policy to address the patient's phobia after repeated requests to do so.
8. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within 6 months of the date of this Order, Mark R. Fortman, R.N., shall at Licensee's own expense take and successfully complete five (5) hours of education in documentation, three (3) hours of education in patient's rights and three (3) hours of education in dealing with difficult patients as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.
3. Within 120 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$300.00.

4. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 Licensee's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Licensee fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Licensee's license (no. 135141-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of the costs and completion of the education.

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN
A Member of the Board

Date

5/9/13