

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF

DAVID N. INNIS, L.P.N.,  
RESPONDENT

:  
: FINAL DECISION AND ORDER  
:  
:

**0002879**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 289

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

David N. Innis, L.P.N.  
320 Park Avenue  
Janesville, WI 53548

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. Respondent David N. Innis, L.P.N., (dob January 3, 1951) is licensed in the State of Wisconsin as a practical nurse, having license number 307611-31, first issued on July 20, 2006 and current through April 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 320 Park Avenue, Janesville, Wisconsin 53548.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a nursing home (Facility), located in Janesville, Wisconsin.

3. On or about May 3, 2013, two Facility CNAs were helping Patient A get ready for bed. When they began preparing Patient A for bed, Patient A was responsive.

4. The CNAs transferred Patient A to the toilet at which time Patient A became unresponsive. The CNAs called for a nurse.

5. Respondent responded to the CNAs' call for assistance.

6. Respondent failed to complete an assessment of Patient A. He instructed the CNAs to push fluids and stated nothing else could be done because Patient A was a hospice patient.

7. Respondent had previously received verbal and written warnings from Facility regarding unsatisfactory work performance, however he failed to attain performance objectives set for him and failed to obtain recommended reeducation. Respondent was terminated from the Facility.

8. In resolution of this matter, Respondent 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).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code. § 7.03(1)(b) by any act or omission demonstrating a failure to maintain competency in practice and methods of nursing care.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (c).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent David N. Innis, L.P.N., is REPRIMANDED.

3. The practical nursing license issued to Respondent (license number 307611-31) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within 6 months of the date of this Order, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of end-of-life care and three (3) hours of education on the topic of critical thinking offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. Respondent shall provide proof of completion of the education to the Department Monitor.
  - b. Respondent shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.
  - c. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency or pool position. Respondent may practice as an independent private duty nurse for Patient J.W.
  - d. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for his nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of his employment and evaluating his work performance.
  - e. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.
  - f. 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.
  - g. After two (2) years of working at least half-time as a nurse, 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. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$280.00.
  5. 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 Respondent 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

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 Respondent 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, Respondent's license (no. 307611-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submit proof of completion of the education.

7. This Order is effective on January 1, 2014.

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN  
A Member of the Board

12/19/13  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID N. INNIS, L.P.N.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0002879**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 289

Respondent David N. Innis, L.P.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (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.

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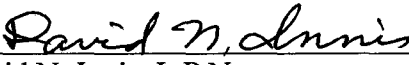
<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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David N. Innis, L.P.N.  
320 Park Avenue  
Janesville, WI 53548  
License no. 307611-31

11-16-13  
Date

  
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Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

11/19/13  
Date