

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

STEPHANIE Y. GAINES, L.P.N.,

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FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION

0003276

Division of Legal Services and Compliance Case No. 12 NUR 447

The parties to this action for the purpose of Wis. Stat. § 227.53¹ are:

Stephanie Y. Gaines, L.P.N.
2902 N. 48th Street
Milwaukee, WI 53210

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Stephanie Y. Gaines, L.P.N., (dob October 31, 1974) is licensed in the State of Wisconsin as a practical nurse, having license number 313284-31, first issued on October 20, 2010 and current through April 30, 2015. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2902 North 48th Street, Milwaukee, Wisconsin 53210.

¹ Unless otherwise indicated, all references to Wisconsin Statutes are to the 2011-2012 version.

2. At all times relevant to this proceeding, Licensee was employed as a practical nurse at a rehabilitation center (Center), located in Milwaukee, Wisconsin.

3. Based on medication documentation errors by Licensee, Licensee's employer conducted a review of Licensee's documentation in September 2012 which revealed the following:

- a. On September 2, 2012 and September 3, 2012, Licensee failed to document on the Pain Monitoring Flow Sheet that she administered Percocet® to Patient A.
- b. On September 7, 2012, Licensee failed to document on the Medication Administration Record (MAR) that she administered Percocet® to Patient A, but documented the administration on the Pain Monitoring Flow Sheet.
- c. On September 7, 2012, Licensee failed to document on the Pain Monitoring flow sheet that she administered Percocet® to Patient B, but documented the administration on the MAR.

4. On September 12, 2012, Licensee was requested to conduct pain assessments on four (4) patients. Licensee reported on the pain evaluation form that all four (4) patients verbally or non-verbally indicated pain on a scale between 4/10 and 10/10.

5. On September 13, 2012, Nurse B was requested to conduct pain assessments on the same four (4) patients Licensee had assessed the day prior. Nurse B reported that none of the patients indicated any pain, 0/10 on the pain scale.

6. Licensee's clinical records were reviewed for the pain assessments conducted on September 12, 2012. Licensee failed to document the pain assessments in the nurse's notes.

7. 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 ninety (90) days of the date of this Order, Licensee shall at her own expense, successfully complete three (3) hours of education on the topic of medication administration and documentation and three (3) hours on the subject of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

3. 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 continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Within 180 days from the date of this Order, Stephanie Y. Gaines, L.P.N., shall pay COSTS of this matter in the amount of \$895.00.

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 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 7190, Madison, WI 53707-7190
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 Licensee'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 Licensee fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Licensee's license (no. 313284-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of costs and completion of the education.

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN
A Member of the Board

Date

6/12/14

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF

STEPHANIE Y. GAINES, L.P.N.,

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STIPULATION FOR
REMEDIAL EDUCATION

0003276

Division of Legal Services and Compliance Case No. 12 NUR 447

Licensee Stephanie L. Gaines, 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. Licensee consents to the resolution of this investigation by Stipulation.

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

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

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

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

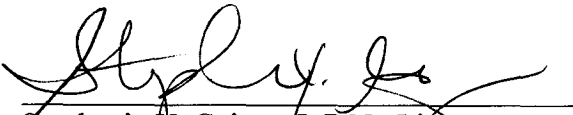
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 Licensee, 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order For Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Stephanie Y. Gaines, L.P.N., Licensee
2902 N. 48th Street
Milwaukee, WI 53210
License no. 313284-31

5/24/14
Date


Kim M. Kluck, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

5/30/14
Date