

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

DAVID C. BAINBRIDGE, R.N., A.P.N.P.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003792

Division of Legal Services and Compliance Case No. 15 NUR 011

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

David C. Bainbridge, R.N., A.P.N.P.
450 Arbor Oaks Lane
Lancaster, WI 53813

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. Respondent David C. Bainbridge, R.N., A.P.N.P., (dob July 24, 1943) is licensed in the State of Wisconsin as a professional nurse, having license number 48381-30, first issued on April 17, 1968 and current through February 29, 2016. Respondent is also certified as an advanced practice nurse prescriber, having certificate number 213-33, first issued on August 18, 1995 and current through September 30, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 450 Arbor Oaks Lane, Lancaster, Wisconsin 53813.

2. At all times relevant to this proceeding, Respondent was employed as a nurse anesthetist at a medical center (Center), located in Lancaster, Wisconsin.

3. On November 20, 2014, Respondent was the nurse anesthetist caring for Patient A. As Respondent administered a sedative to Patient A intravenously, the patient commented that she felt a stinging sensation in her arm. Respondent stated to Patient A that the reason she felt this sensation was because she was a Christian. Respondent also stated that a Methodist might not feel it and that Muslim would not feel it. Patient A stated that she thought you were wrong and then lost consciousness from the medication.

4. When Patient A regained consciousness following the procedure, she spoke to Respondent about his comments regarding religion. During that conversation, Respondent made additional inappropriate comments based on race, religion and ethnicity. The conversation lasted approximately ten minutes and offended Patient A who thought the comments were inappropriate.

5. 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 has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and 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. § N 7.03(6) by engaging in substandard care.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent David C. Bainbridge, R.N., A.P.N.P., is REPRIMANDED.

3. The professional nurse license issued to Respondent David C. Bainbridge, (license number 48381-30), the certificate as an advanced practice nurse prescriber (213-33), and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of ethics and professionalism offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent 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.

- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$100.00.

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:

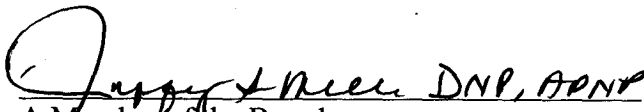
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 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. 48381-30) and certificate (no. 213-33) 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 submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

3-12-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID C. BAINBRIDGE, R.N., A.P.N.P.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003792

Division of Legal Services and Compliance Case No. 15 NUR 011

Respondent David C. Bainbridge, R.N., A.P.N.P., 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.

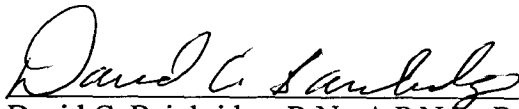
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



David C. Bainbridge, R.N., A.P.N.P., Respondent
450 Arbor Oaks Lane
Lancaster, WI 53813
License no. 48381-30
Certificate no. 213-33

2/23/15
Date



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

3/2/15
Date