

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	:	
	:	
WENDY J. BATTEN, R.N.,	:	FINAL DECISION AND ORDER
LICENSEE.	:	FOR REMEDIAL EDUCATION
	:	

0004289

Division of Legal Services and Compliance Case No. 15 NUR 294

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

Wendy J. Batten, R.N.
411 N. Wright Street
Delavan, WI 53115

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 Wendy J. Batten, R.N., (dob January 20, 1966) is licensed in the state of Wisconsin as a professional nurse, having license number 114035-30, first issued on September 24, 1993 and current through February 29, 2016. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 411 North Wright Street, Delavan, Wisconsin 53115.

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

3. The Home had a safety policy that all lighters and cigarettes were kept at the front nurse's desk.

4. On May 13, 2015, Resident A retrieved cigarettes and two lighters from the front nurse's desk. When she came back inside, Resident A returned the cigarettes but only one of the two lighters.
5. An aide informed Licensee that Resident A kept one of the lighters.
6. Licensee approached Resident A but Resident A refused to return the lighter.
7. During the interaction, Licensee became frustrated and told Resident A to "shut up and listen."
8. Resident A reported that Licensee intimidated her during the interaction.
9. This order is considered non-disciplinary action.
10. 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

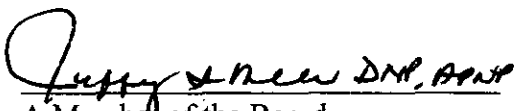
1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Wendy J. Batten, R.N., shall at her own expense take and successfully complete three (3) hours of education on the topic of ethics and professionalism in nursing and three (3) hours of education on the topic of working 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 \$200.00.

4. Request for 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
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

10-8-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF

WENDY J. BATTEN, R.N.,
LICENSEE.

:
:
:
:

STIPULATION

0004289

Division of Legal Services and Compliance Case No. 15 NUR 294

Licensee Wendy J. Batten, R.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. Licensee is
represented by Attorney Julie A. Lewis.

4. Licensee 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. 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 or Licensee's attorney, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Wendy J. Batten, R.N., Licensee
411 N Wright Street
Delavan, WI 53115
License no. 114035-30

8/18/15

Date



Julie A. Lewis, Attorney for Licensee
Nowlan & Mouat LLP
100 S Main Street
Janesville, WI 53545-3925

8/24/2015

Date



Amanda L. Florek, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

8/25/15

Date