

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DEAN L. DRAKE, R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

0005116

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Division of Legal Services and Compliance Case No. 15 NUR 634

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

Dean L. Drake, R.N.  
700 Herdon Drive, #301  
Madison, WI 53718

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 Dean L. Drake, R.N., (dob November 17, 1965) is licensed in the State of Wisconsin as a professional nurse, having license number 145784-30, first issued on September 30, 2003 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 700 Herdon Drive, #301, Madison, Wisconsin 53718.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a maximum security correctional institution (Facility), located in Portage, Wisconsin.

3. On August 3, 2015, a lieutenant at the Facility asked Respondent to perform an evaluation on an inmate and medically clear him prior to taking the inmate to segregation. The lieutenant felt the inmate was faking being unresponsive.

4. Respondent properly performed the Glasgow Coma scale. The inmate's hands were not available due to the inmate being secured. Respondent performed the assessment as follows:

- a. Respondent attempted to elicit a response from the inmate by using verbal stimuli. The inmate did not respond to the verbal stimuli.
- b. Respondent observed the inmates airway, breathing and circulation. Respondent did not note obstructions or concerns. Respondent also took the inmate's blood pressure and blood sugar, which appeared normal.
- c. Respondent attempted to elicit a response from the inmate using painful stimuli. Respondent lightly slapped the inmate, performed a sternal rub for approximately ten seconds, twisted the inmate's nipple and twisted the inmate's earlobe. After twisting the inmate's earlobe, the inmate opened his eye.

5. When the inmate responded by opening his eye, Respondent confirmed the inmate had been faking being unresponsive and stated "you're healed."

6. Respondent understands that his laughter during the assessment, statement "you're healed" and demeanor during the assessment was not appropriate.

7. During the course of investigation, Respondent took three and a half (3.5) credit hours of education on the topic of dealing with difficult patients and families and three and a half (3.5) hours of education on the topic of nursing codes of ethical behaviors. These courses were approved during investigation.

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 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, Dean L. Drake, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(d), which states, "engaging in repeated or significant disruptive behavior or interaction with health care personnel, patients, family members, or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered."

3. As a result of the above conduct, Dean L. Drake, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Dean L. Drake, R.N., is REPRIMANDED.

3. The professional nursing license issued to Dean L. Drake, R.N., (license number 145784-30) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent shall provide his nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- b. 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.
- c. 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 limitations. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Pursuant to 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.

5. Within 120 days from the date of this Order, Dean L. Drake, R.N., shall pay COSTS of this matter in the amount of \$890.00.

6. Proof that the order has been provided to employers, changes in employment 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

7. 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 show this order to his employers, fails to provide proof that his employers have seen a copy of this order, fails to notify the Board of any changes in employment or fails to submit payment of costs, Respondent's license (no. 145784-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has shown a copy of this order to his employers, provided proof that his employers were shown a copy of the order, notifies the Board of any changes in employment and complies with payment of costs.

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

WISCONSIN BOARD OF NURSING

by:   
A Member of the Board

1-12-17  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DEAN L. DRAKE, R.N.,  
RESPONDENT.

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STIPULATION

**0005116**

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Division of Legal Services and Compliance Case No. 15 NUR 634

Respondent Dean L. Drake, 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. 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. Respondent is represented by Attorney Maria Schneider.

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.

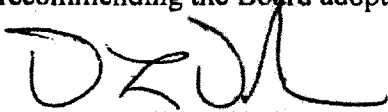
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

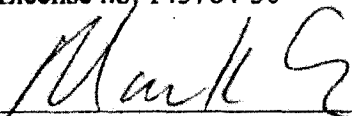
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Dean L. Drake, R.N., Respondent  
700 Herdon Drive #301  
Madison, WI 53718  
License no. 145784-30

12-29-16

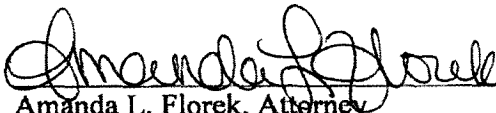
Date



Maria Kysely Schneider, Attorney for Respondent  
735 North Water Street, Suite 1400  
Milwaukee, WI 53202

12-29-16

Date



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

12/29/16

Date