

## 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 DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
THERESA L. WENDT, R.N., A.P.N.P., :  
RESPONDENT. :

**0005299**

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Division of Legal Services and Compliance Case No. 16 NUR 655

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

Theresa L. Wendt, R.N., A.P.N.P.  
8136 S. Mission Drive  
Franklin, WI 53132

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 Theresa L. Wendt, R.N., A.P.N.P., (dob December 7, 1968) is licensed in the State of Wisconsin as a professional nurse, having license number 136584-30, first issued on October 5, 2000 and current through February 28, 2018. Respondent is also certified in the State of Wisconsin as an advanced practice nurse prescriber, having certificate number 3968-33, first issued on February 2, 2010 and current through September 30, 2018.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8136 South Mission Drive, Franklin, Wisconsin 53132.

3. At all times relevant to this proceeding, Respondent was employed as an advanced practice nurse prescriber at a pain clinic (Clinic), located in Milwaukee, Wisconsin 53213.

4. On November 16, 2016, Respondent provided treatment to Patient A. Patient A's wife, R.P., also attended Patient A's appointment.

5. During Patient A's appointment, R.P. complained of pain.

6. R.P. was not a patient of the Clinic.

7. On this date, Respondent wrote a prescription for 180 tablets of oxycodone 15 mg for R.P.

8. Respondent crossed out the Clinic's phone number and wrote her cell phone number on the prescription.

9. Respondent did not maintain a treatment record at the Clinic for R.P.

10. On November 17, 2016, the pharmacy called the Clinic to verify the prescription as R.P. had not been prescribed narcotic medication for the past year. The Clinic cancelled the prescription.

11. On November 18, 2016, in a meeting with Clinic management, Respondent initially denied writing the prescription, but later admitted to writing the prescription for R.P.

12. When asked about R.P.'s treatment record, Respondent stated that it was not at the Clinic and was at her home. Respondent was instructed to produce R.P.'s treatment record the next day she was scheduled to work.

13. On November 22, 2016, Respondent failed to produce R.P.'s treatment record and was instructed to go home and retrieve it. Before leaving, Respondent turned in her keys and took all of her personal possessions. She has not returned to the Clinic since.

14. On January 30, 2017, Respondent provided R.P.'s treatment record to the Department.

15. The record indicated that she provided treatment to R.P. on November 17, 2016<sup>1</sup>, and details a medical history, physical examination, diagnosis and treatment plan.

16. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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<sup>1</sup> Respondent indicated that she incorrectly dated the office visit note as November 17, 2016, when, in fact, it should have been dated November 16, 2017 which is when the office visit occurred.

## 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, Theresa L. Wendt, R.N., A.P.N.P., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.

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

## ORDER

1. The attached Stipulation is accepted.

2. Respondent Theresa L. Wendt, R.N., A.P.N.P., is REPRIMANDED.

3. The professional nursing license and advanced practice nurse prescriber certificate issued to Theresa L. Wendt, R.N., A.P.N.P., (license and certificate number 136584-30 and 3968-33) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of responsible prescribing of controlled substances, three (3) hours of education on the topic of ethics and professionalism in nursing and four (4) hours of education on the topic of documentation 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. The professional nursing license and advanced practice nurse prescriber certificate issued to Theresa L. Wendt, R.N., A.P.N.P., (license and certificate number 136584-

30 and 3968-33) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. For a period of two (2) years, Respondent shall provide her 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. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.

5. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. These requirements 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.

6. Within 120 days from the date of this Order, Theresa L. Wendt, R.N., A.P.N.P., shall pay COSTS of this matter in the amount of \$300.00.

7. Request for approval of courses, proof of successful course completion, work reports, any documents 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](mailto:DSPSMonitoring@wisconsin.gov)

8. 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 provide a copy of this Order to nursing employers, fails to timely submit proof that a copy of this Order was received by nursing employers, fails to timely submit work reports, 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 and certificate (nos. 136584-30 and 3968-33) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has provided

proof that nursing employers received a copy of this Order, submitted work reports, complied with payment of costs and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by: Sheryl Kous  
A Member of the Board

Date 5/11/17

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

THERESA L. WENDT, R.N., A.P.N.P.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0005299**

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Division of Legal Services and Compliance Case No. 16 NUR 655

Respondent Theresa L. Wendt, 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.



Theresa L. Wendt, R.N., A.P.N.P., Respondent  
8136 S. Mission Dr.  
Franklin, WI 53132  
License and Certificate no. 136584-30 and 3968-33

4/4/17

Date



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

4/6/17

Date