

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

AUSTIN A. OLDHAM, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:
: **0005946**

Division of Legal Services and Compliance Case No. 16 NUR 689

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

Austin A. Oldham, R.N.
211 Center Street
Oconto, WI 54153

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 Austin A. Oldham, R.N., (DOB June 4, 1992) is licensed in the State of Wisconsin as a professional nurse, having license number 197138-30, first issued on July 24, 2013, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 211 Center Street Oconto, Wisconsin 54153.

2. At all times relevant to this proceeding, Respondent was employed as a night shift professional nurse at health care facility (Facility), located in Crivitz, Wisconsin.

3. On December 3, 2013, Respondent placed his initials and signed off on a Professional Skill Inventory form which notes he was trained on glucose (blood sugar) monitoring.

4. On May 17, 2016, Respondent was sent a message from the Director of Nursing, which stated "[i]t is the night shift's duties to check all blood sugars in the morning. Please make sure you check everyone's blood sugars and enter them into the computer. You missed [Residents] B.G. and H.H. on 05/17/16."

5. On May 19, 2016, Respondent was sent a message from the Director of Nursing, which stated "It is NOC [night] shifts' responsibility to do all AM blood sugars you should not be giving any Lantus injections. The AM nurse will give injections. Please enter the values in the computer also."

6. On May 23, 2016, Respondent received an Employee Performance Notice from the Facility, giving Respondent a counseling statement for poor work performance. The description states "[i]t has been brought to my attention that you [Respondent] are not checking all the blood sugars on your shift and you are not entering any of them in the computer. . ." The Notice included the two prior messages sent from the Director of Nursing on May 17, 2016, and May 19, 2016.

7. The Facility provided re-education on taking and documenting blood sugars was provided to all nurses on September 14, 2016. Respondent acknowledged this policy was in existence on October 6, 2016.

8. Respondent acknowledged that in the months before October 6, 2016, the Facility instituted a policy which required the night shift R.N. to obtain information regarding Residents' blood sugars.

9. On October 6, 2016, Licensed Practical Nurse A (L.P.N. A) reported Respondent had not checked blood sugars as ordered by the physician.

10. Residents M.B. and B.G. stated that Respondent did not check their blood sugars.

11. When L.P.N. A asked Respondent about the lack of documentation of the blood sugar levels for multiple Residents, Respondent stated that he just forgot to write them in the chart and began writing numbers in the charts. L.P.N. A checked the glucometers and the numbers that Respondent wrote down did not appear anywhere in the glucometer histories.

12. During the Facility investigation, Respondent admitted to not taking blood sugar readings for the Residents and further answered "yes" when asked if he just wrote down any number. In a subsequent statement, Respondent denies "admitting that he falsified documents."

13. Respondent stated he would write down the blood sugar testing that he was able to obtain on a form and left the form blank for those he did not test. Respondent stated he did not provide his initials for obtaining blood sugars.

14. Respondent admits that due to work load requirements, obtaining the blood sugar information frequently could not be accomplished.

15. 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, Austin A. Oldham, R.N., violated Wis. Admin. Code § N 7.03(5)(a), by falsifying or inappropriately altering reports, patient documentation, agency records, or other health documents.

3. By the conduct described in the Findings of Fact, Austin A. Oldham, R.N., violated 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 an unnecessary risk or danger to a patient's life, health, or safety.

4. As a result of the above conduct, Austin A. Oldham, 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 Austin A. Oldham, R.N., is REPRIMANDED.

3. The professional nursing license issued to Austin A. Oldham, R.N., (license number 197138-30) and his privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of ethics and professionalism in nursing and five (5) hours of education on the topic of documentation and record keeping offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. Respondent is responsible for finding appropriate courses and submitting the course information to the Board or its designee for approval prior to taking the course and in sufficient time to obtain Board approval within the ninety (90) day time frame, taking into account the Board's meeting schedule.
- 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 issued to Austin A. Oldham, R.N., (license number 197138-30) and his privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are further LIMITED as follows:

- a. For a period of two (2) years from the date of this Order, 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.

5. Pursuant to the Enhanced Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

6. Within 120 days from the date of this Order, Austin A. Oldham, R.N., shall pay COSTS of this matter in the amount of \$640.00.

7. 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 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

8. In the event Respondent violates any term of this Order, Respondent's license (197138-30), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with

the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by: *Stacy Krause*
A Member of the Board

11-8-18
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AUSTIN A. OLDHAM, R.N.,
RESPONDENT.

STIPULATION

0005946

Division of Legal Services and Compliance Case No. 16 NUR 689

Austin A. Oldham, 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.

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.


Austin A. Oldham, Respondent

211 Center St.
Oconto, WI 54153
License no. 197138-30

11/2/18
Date


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


10/5/18
Date