

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

JOLENE A. ST. MARIE, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006472

Division of Legal Services and Compliance Case No. 17 NUR 618

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

Jolene A. St. Marie, R.N.
2216 Hamilton St.
Oshkosh, WI 54901

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 Jolene A. St. Marie, R.N., (DOB August 2, 1963) is licensed in the state of Wisconsin as a registered nurse, having license number 135112-30, first issued on June 13, 2000, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2216 Hamilton Street, Oshkosh, Wisconsin 54901.

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

3. On September 24, 2017, Resident A was prescribed one (1) trazodone 50 mg tablet, at bedtime, as needed.

4. On September 25, 2017 Respondent removed one (1) trazodone 50 mg tablet from the Pyxis® machine at 20:43 and at 21:12, Respondent documented administering one (1) tablet of trazodone 50 mg to Resident A.

5. On September 25, 2017, Respondent removed one (1) tablet at 21:20 under Resident A's record. There is no documentation of administration, waste, or return.

6. On September 27, 2017, the Center received a report from Resident A regarding a discrepancy on her medication record. Resident A indicated her record showed she took a trazodone 50 mg on September 25, 2017, but she had not taken the medication, and wanted her medical record corrected.

7. During an interview with the Department, Respondent stated that the Resident A refused the medication and Respondent had to pull another tablet from the Pyxis® machine to determine which pill in the medication cup was trazodone.

8. Respondent stated the laptop terminal available to Respondent was down and she was unable to document the refusal.

9. The Center launched an internal investigation and discovered Respondent had several other medication discrepancies in which she removed a medication from the Pyxis® machine but did not document administration, waste, or return.

10. On October 4, 2017, during an interview with the Center, Respondent admitted to regularly removing several over-the-counter medications under one (1) patient's name from the Pyxis® machine, and then hanging on to them in her pocket throughout her shift in case any patient needed them.

11. On October 4, 2017, Respondent submitted to a reasonable suspicion drug screen. The test results were negative.

12. Respondent neither admits nor denies the allegations however, since she is now suffering from several health conditions that have precluded continued work in the nursing field for the foreseeable future, 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).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of the license and privilege of Jolene A. St. Marie, R.N., (license no. 135112-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact is hereby accepted.
3. Respondent shall not petition the Board of Nursing for reinstatement for at least one (1) year from the date of this Order. After the one (1) year period, Respondent may or may not be granted reinstatement, but may petition for reinstatement.
4. In the event Respondent petitions the Board for reinstatement of her license to practice professional nursing in the state of Wisconsin or applies for another credential with the Department, Respondent shall pay the costs of this matter in the amount of \$1,737.00 before any application is considered.
5. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

10/10/18
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOLENE A. ST. MARIE, R.N.,
RESPONDENT.

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STIPULATION
ORDER 0006472

Division of Legal Services and Compliance Case No. 17 NUR 618

Respondent Jolene A. St. Marie, 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 Michael Kuborn.
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 or Respondent'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. 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.


Jolene St. Marie, Respondent
2216 Hamilton Street
Oshkosh, WI 54901
License no. 135112-30

Sept 6, 2019
Date


Michael Kuborn, Attorney for Respondent
Apex Accident Attorneys LLC
3475 Omro Road, Suite 200
P.O Box 2845
Oshkosh, WI 54903-2845

September 6, 2019
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

9/6/19
Date