

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 :
: FINAL DECISION AND ORDER
PENNY M. BERNARDS, R.N., A.P.N.P., :
RESPONDENT. :

ORDER 0006741

Division of Legal Services and Compliance Case No. 18 NUR 643

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

Penny M. Bernards, R.N., A.P.N.P.
Neenah, WI 54956

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 Penny M. Bernards, R.N., A.P.N.P., (DOB: XX/XX/1961) is licensed in the state of Wisconsin as an advanced practice nurse prescriber, having license number 1332-33, first issued on February 9, 1999 and current through September 30, 2020. Respondent is also licensed as a registered nurse, having license number 891444-30, first issued on August 21, 1984, and current through February 29, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Neenah, Wisconsin 54956.

2. At all times relevant to this proceeding, Respondent was employed as an advanced practice nurse prescriber at a neuroscience clinic (Clinic), located in Appleton, Wisconsin.

3. Patient A, a female born in 1977, has medical history that includes gastric bypass surgery.
4. On January 24, 2018, Respondent prescribed Toradol to Patient A for treatment of intractable headaches.
5. Toradol is a non-steroidal anti-inflammatory drug (NSAID).
6. NSAIDs should not be prescribed to patients who have had gastric bypass surgery.
7. Between January 24, 2018, and March 13, 2018, Patient A took a total of three (3) doses of Toradol pursuant to the prescription written by Respondent.
8. On March 14, 2018, Patient A was diagnosed with a perforated ulcer.
9. Respondent admitted that when she saw Patient A, she did not review the surgery section of Patient A's chart, where the prior gastric bypass surgery was noted.
10. Respondent stated that, in her experience, NSAIDs would typically be listed in the allergy list when a patient had prior gastric bypass surgery. Respondent did review Patient A's allergy list which did not include NSAIDs.
11. 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, Penny M. Bernards, R.N., A.P.N.P., violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.
3. By the conduct described in the Findings of Fact, Penny M. Bernards, R.N., A.P.N.P., 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 unnecessary risk or danger to a patient's life, health or safety.
4. As a result of the above conduct, Penny M. Bernards, 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 Penny M. Bernards, R.N., A.P.N.P., is REPRIMANDED.

3. The advance practice nurse prescriber (license number 1332-33) and registered nurse (license number 89144-30) licenses issued to Penny M. Bernards, R.N., A.P.N.P., and her 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 her own expense, successfully complete four (4) hours of education on the topic of medication errors 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. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. 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. Pursuant to the Enhanced Nurse Licensure Compact, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

5. Within 120 days from the date of this Order, Penny M. Bernards, R.N., A.P.N.P., shall pay COSTS of this matter in the amount of \$ 616.00.

6. 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 the Department's Monitoring Case Management System at

<https://dspsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's licenses (1332-33 and 89144-30), or Respondent's right to renew her 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.

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

WISCONSIN BOARD OF NURSING

by:

Peter Kallis
A Member of the Board

4/9/2020
Date

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PENNY M. BERNARDS, R.N., A.P.N.P.,
RESPONDENT.

STIPULATION
ORDER 0006741

Division of Legal Services and Compliance Case No. 18 NUR 643

Respondent Penny M. Bernards, 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

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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.

Penny M. Bernards
Penny M. Bernards, R.N., A.P.N.P., Respondent
Neenah, WI 54956
License Nos. 89114-30 & 1332-33

3/16/2020
Date

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

3/17/2020
Date