

## 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

ERIC C. BINGNER, R.N., A.P.N.P.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

**ORDER 0006751**

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Division of Legal Services and Compliance Case No. 18 NUR 729

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

Eric C. Bingner, R.N., A.P.N.P.  
Fort Atkinson, WI 53538

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 Eric C. Bingner, R.N., A.P.N.P. (dob XX/XX/1958) is licensed in the state of Wisconsin as a registered nurse, having license number 113048-30, first issued on May 1, 1993, and current through February 28, 2022. Respondent is also certified in the state of Wisconsin as an advanced practice nurse prescriber, having certificate number 644-33, first issued on November 8, 1996, and current through September 30, 2020.

2. At all times relevant to this proceeding, Respondent was employed as a certified registered nurse anesthetist at a medical center (Facility), located in New London, Wisconsin.

3. On October 3, 2018, the following occurred:

- a. At approximately 2:30 a.m., Patient A was admitted to the Facility for an unscheduled, non-emergent cesarean section (C-Section) conducted by Dr. B.
- b. At approximately 3:30 a.m., the C-Section began.
- c. Respondent requested that RN C retrieve a 2ml vial of 0.75% hyperbaric bupivacaine.
- d. RN C returned with a 30ml bottle of 0.75% isobaric bupivacaine.
- e. RN C informed Respondent that hyperbaric bupivacaine was not available.
- f. Respondent did not confirm that hyperbaric bupivacaine was not available and proceeded with spinal anesthesia using isobaric bupivacaine.
- g. During the C-Section, Patient A did not feel the initial incision but felt pain throughout the rest of delivery to the point that she cried out in pain and was unable to respond to questions asked by Dr. B during delivery.
- h. After delivery, but before suturing, Respondent administered additional anesthesia in the form of propofol and Versed.

4. Isobaric bupivacaine spinal anesthesia results in anesthesia over a smaller area than hyperbaric bupivacaine spinal anesthesia.

5. The minimal standard of acceptable nursing practice for spinal anesthesia is to administer additional anesthesia when patients experience pain beyond the anesthetized area.

6. Respondent fell below the minimal standard of acceptable nursing practice by failing to administer additional anesthesia to Patient A during the delivery after it was apparent that the initial spinal anesthesia was inadequate to maintain Patient A's comfort.

7. 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, Respondent 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.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$431.00.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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://dpsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's license (113048-30) and certificate (644-33), 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.

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

WISCONSIN BOARD OF NURSING

by: Peter Kallio  
A Member of the Board

4/9/2020  
Date

RECEIVED

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DIVISION OF LEGAL SERVICES & COMPLIANCE  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ERIC C. BINGNER, R.N., A.P.N.P.,  
RESPONDENT.

:  
:  
:  
: STIPULATION

ORDER 0006751

Division of Legal Services and Compliance Case No. 18 NUR 729

Respondent Eric C. Bingner, 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.

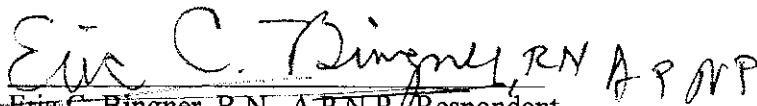
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

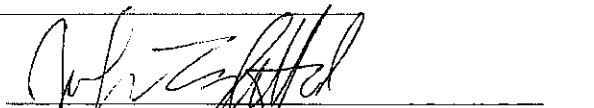
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
Eric C. Bingner, R.N., A.P.N.P./Respondent  
Fort Atkinson, WI 53538  
License No. 113048-30 and 644-33

2-25-20  
Date

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

3/2/2020  
Date