

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
KAREN M. GRAY, R.N., :
RESPONDENT. : **ORDER 0007380**

Division of Legal Services and Compliance Case No. 17 NUR 484

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

Karen M. Gray, R.N.
Racine, WI 53402

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 Karen M. Gray, R.N. (Respondent), (Year of Birth 1967) is licensed in the state of Wisconsin as a registered nurse, having license number 152200-30, first issued on October 13, 2005, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Racine, Wisconsin 53402.
2. At all times relevant to this proceeding, Respondent was employed as a psychiatric registered nurse through a healthcare agency and staffed at a correctional institution (Institution) located in Milwaukee, Wisconsin.

3. Early in the morning of April 16, 2016, Inmate A was processed into the Institution. Nurse B at the Institution conducted an initial health screening on Inmate A. During the health screening, Inmate A reported a history of high blood pressure and diabetes to Nurse B. Also, during the initial health screening Nurse B learned that Inmate A had previously been incarcerated at the Institution in 2012 and had been housed at that time in the special needs' unit due to known mental health concerns. Based on the information provided by Inmate A as well as observations of Inmate A, Nurse B recommended the Institution's psychiatric social worker evaluate Inmate A, and to again assign him to the special needs' unit.

4. Inmate A was assigned to the special needs' unit, however early in the morning of April 17, 2016, he was loud and disruptive and was flooding the floor of his cell. A jail lieutenant learned of the disturbance created by Inmate A and ordered him transferred from the special needs' unit to the segregation unit. Once in the segregation unit, the jail lieutenant ordered the removal of Inmate A's mattress and ordered the water in Inmate A's cell be shut off.

5. Respondent was required to conduct rounds in the segregation unit that Inmate A was housed in and to complete a computerized record referred to as a flow sheet. The flow sheet provided basic information about the inmate including sex, height, weight, body mass index (BMI), and allergies. Inmate A's flow sheet also reflected the note "Chronic Care – Endocrine".

6. The flow sheet had nine (9) fields of information for Respondent to complete labeled: user, record date, spoke with patient, request services, physical status, mental health status, dental status, notes/descriptions, and date/time (if different).

7. Respondent first interacted with Inmate A on April 19, 2016, while performing her round in the segregation unit. Respondent recorded on the flow sheet that Inmate A did not request services. The entry for Inmate A's physical status reflected "No complaints, no significant physical signs noted." The entry for mental health status reflected "No complaints, alert, oriented, responsive." The entry for Inmate A's dental status reflected "No complaints, no significant dental signs noted."

8. On April 21, 2016, Respondent recorded on the flow sheet that she saw Inmate A but did not speak to him. Respondent noted "Pt. pacing in cell naked refused to speak to writer." The entries for Inmate A's physical, mental, and dental health status were the same as on April 19, 2016.

9. Although she is a psychiatric nurse and Inmate A's flow sheet reflected "Chronic Care – Endocrine", Respondent did not review Inmate A's medical records; Respondent took no action in addition to completing the flow sheets, despite Inmate A's behavior.

10. Respondent recorded a second entry on April 21, 2016, writing "Pt. refused to speak to writer." Respondent also noted in the second entry the same information she had earlier noted in the first April 21, 2016 entry.

11. Video surveillance footage from the segregation unit where Patient A was housed was reviewed from 6:33 a.m. on April 21 to midnight on April 21, 2016. The footage showed Respondent was in the vicinity of Patient A's cell on one occasion during her shift, at 2:20:22 p.m.,

when Respondent walked by Patient A's cell and glanced in without breaking stride. Respondent denies this is accurate and believes that refers to a different cell.

12. On April 22, 2016, Respondent recorded on the flow sheet she was unable to speak to Inmate A due to a lack of availability of correctional officers to accompany her in the segregation unit. The entries for physical, mental health, and dental status reflected the same status as on April 19 and 21, 2016. Respondent did not attempt to make any additional rounds in the segregation unit on April 22, 2016.

13. Respondent did not attempt to contact superiors in order to conduct rounds on the unit on April 22, 2016.

14. Respondent's understanding of working in the segregation unit was that she made rounds to determine if inmates wanted a slip to fill out to see a provider. Respondent offered these slips to Inmate A as she walked by his cell, but he did not ask for one. Respondent denies that she was required to review medical records of inmates on the segregation unit or to contact superiors if the correction staff could not accompany her on the segregation unit.

15. Respondent was unaware that the water had been shut off in Inmate A's cell.

16. Respondent denies the allegations, but in order to avoid the costs and uncertainty of litigation, 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 departed from or failed 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 within the meaning of Wis. Admin. Code § N 7.03(6)(c).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code. § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The registered nurse license issued to Respondent (license number 152200-30) and her privilege to practice in Wisconsin pursuant to the Compact, is 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 documentation and three (3) hours of education on the topic of nursing ethics 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 the ordered education.

4. Pursuant to the Compact, Respondent may not practice in another Compact state, other than Wisconsin, while her license is encumbered by any term(s) of this Order.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,558.00.

6. 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

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (152200-30), 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: 

A Member of the Board

13 May 2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KAREN M. GRAY, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007300

Division of Legal Services and Compliance Case No. 17 NUR 484

Karen M. Gray, R.N. (Respondent), 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 Patricia Putney.

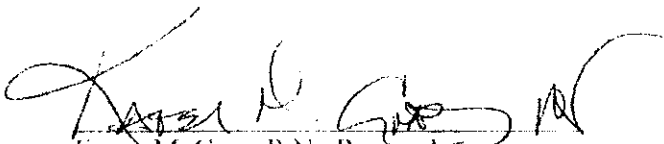
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

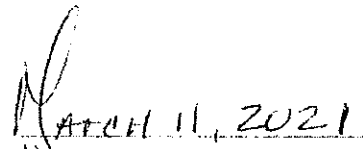
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

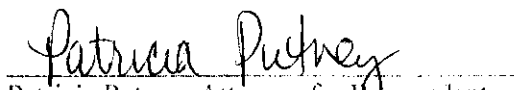
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

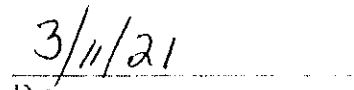
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


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.


Karen M. Gray, R.N., Respondent
Racine, WI, 53402
License No. 152200-30


Date


Patricia Putney, Attorney for Respondent
Bell, Moore & Richier, S.C.
345 W. Washington Ave., Suite 302
Madison, WI 53703


Date


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


Date