

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

KENDRA M. MARTIN, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007426

Division of Legal Services and Compliance Case No. 18 NUR 641

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

Kendra M. Martin, R.N.
Eau Claire, WI 54703

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 Kendra M. Martin, R.N., (DOB xx/xx/1981) is licensed in the state of Wisconsin as a registered nurse, having license number 190285-30, first issued on July 18, 2012, 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 Eau Claire, Wisconsin.

2. At all times relevant to this proceeding, Respondent was contracted as a registered nurse with a nursing agency (Agency) providing private duty nursing to a minor patient, Patient A, located in Eau Claire, Wisconsin.

3. On September 1, 2018, Respondent arrived for her overnight shift of caring for Patient A at 2215. At approximately 0030 hours, Patient A's mother went to sleep leaving Respondent to care for Patient A.

4. On September 2, 2018, Patient A's mother woke up at approximately 0630 to take over care of Patient A and discovered that Patient A's equipment alarms were sounding. She assumed that this was due to Respondent providing cares to Patient A, but the alarms continued to sound. When Patient A's mother investigated the situation, she discovered Respondent "slumped over in the recliner, paperwork/clipboard on her lap and on the floor at her feet."

5. Upon examination of Patient A, his mother discovered the following:

- a. Patient A's oximeter read 86-87%, when his normal is 99-100% and has parameters to be at 95% or higher.
- b. The equipment was intact.
- c. Patient A's tidal volume read 16 to 30. His normal range is 100 to 300 and has parameters to be at 70 or higher.
- d. There was mucous in Patient A's airway, and he "was retracting slightly and had nasal flaring." His mother removed a large amount of mucous from his trachea and initiated other interventions.
- e. Patient A's heart rate was also in the 80's. His normal heart rate is 50 to 60 when sleeping, and in the 60's while awake.
- f. Patient A receives food through his J tube 24/7. Patient A's feeding bag was empty, the kangaroo alarm was sounding, and air was in the tubing.
- g. Between 0640 and 0740, Patient A had seizures. The seizures lasted approximately 46 to 48 seconds and "were his typical #1s." No medication was required.
- h. Patient A missed his medications at 0500, 0600, and 0700.
- i. Patient A's bladder was "severely distended." Patient A's mother straight cathed Patient A at 0700 and obtained 950cc. Patient A had not been catheterized since his mother did it the previous evening at 2200. Patient A receives catheterization approximately every six (6) hours and has his bladder checked for distension every four (4) hours.

6. Respondent woke at approximately 0715. Respondent informed Patient A's mother that she last saw the clock at 0432 and that she last provided care to Patient A at 0430.

7. Respondent informed Patient A's mother that she should not have sat down as she falls asleep when she does and that she has a medical condition without effective pain control.

8. Patient A's mother asked Respondent to leave.

9. While repositioning Patient A at 0930, Patient A's mother discovered two, capped needles of schedule IV phenobarbital on Patient A's bed. She stated that she was unsure why they were there, as Patient A receives the medication at 0930 and 2130. Patient A's mother text

messed Respondent, asking what as needed (PRN) medications were given to Patient A and if she cathed him. Respondent stated that she did not give him any PRN medications.

10. Patient A's mother noticed that two vials of 65mg phenobarbital were missing.

11. Respondent provided a statement to the Department in which she admitted to falling asleep the morning of September 2, 2018. She reported that she had a medical condition that results in joint pain and fatigue. Respondent stated that her doctor has determined she should no longer work night shifts.

12. Respondent denied any knowledge of the needles in Patient A's bed or the missing medication.

13. 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)(a), by failing to perform nursing with reasonable skill and safety.

3. 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. Actual injury to a patient need not be established.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(h), by being unable to practice safely by reason of physical illness or impairment.

5. 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. The registered nurse license issued to Respondent (license number 190285-30) is LIMITED as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete six (6) hours of education on the topic of professional conduct and responsibility offered by a provider pre-

approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- i. 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.
- ii. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all ordered education.
- iii. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

b. For a period of not less than two (2) years from the date of this order:

- i. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee, who has received a copy of this Order.
- ii. Respondent shall not work as a nurse or other health care provider in a setting in which she is the only provider on-site.
- iii. Respondent shall arrange for quarterly written reports to be submitted to the Department Monitor from her supervisor at each setting in which Respondent practiced nursing during the previous quarter. These reports shall be submitted as directed by the Department Monitor and shall assess Respondent's work performance. If a report indicates poor performance, the Board may institute appropriate corrective limitations, in its discretion.

4. Respondent may petition the Board on an annual basis for modification of the terms of this Order; however, no such petition for modification shall occur earlier than one (1) year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a) and Respondent shall not have a right to any further hearings or proceedings on the denial.

5. Respondent may petition the Board for termination of this Order any time after two (2) years from the date of this Order.

6. Pursuant to the Enhanced Nurse Licensure Compact (Compact), Respondent may not practice in another Compact State, other than Wisconsin, while their license is encumbered by any term or restriction of this Order.

7. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$854.00.

8. 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

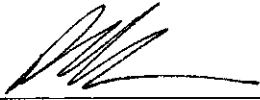
You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://dpsmonitoring.wi.gov>

9. In the event Respondent violates any term of this Order, Respondent's license (190285-30), 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.

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

WISCONSIN BOARD OF NURSING

By: 

A Member of the Board

10 June 2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENDRA M. MARTIN, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0007426

Division of Legal Services and Compliance Case No. 18 NUR 641

Respondent Kendra M. Martin, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

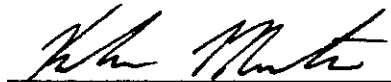
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.

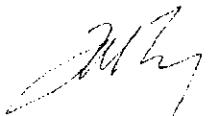
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Kendra M. Martin, R.N., Respondent
Eau Claire, WI 54703
License No. 190285-30

5-18-21

Date



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

5/19/2021

Date