

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
JENNIFER B. SINCLAIR, L.P.N., :
RESPONDENT. : **ORDER 0008393**

Division of Legal Services and Compliance Case Nos. 19 NUR 143 and 20 NUR 528

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

Jennifer B. Sinclair, L.P.N.
Salem, WI 53168

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. Jennifer B. Sinclair, L.P.N. (Respondent), (Year of Birth 1974) is licensed in the state of Wisconsin as a licensed practical nurse, having license number 306859-31, first issued on March 8, 2006, and current through April 30, 2023. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Salem, Wisconsin 53168.

Prior Board Action

2. On May 10, 2018, Respondent was issued an Administrative Warning (number: WARN00000762) by the Board of Nursing (Board) regarding failing to give a patient an "as needed" medication which had been requested by the patient.

Current Discipline

19 NUR 143

3. At all times relevant to this proceeding, Respondent was employed as a practical nurse, at a nursing home, located in Racine, Wisconsin (Facility).

4. Respondent's initial day of employment at the Facility was January 2, 2019.

5. On January 29, 2019, Respondent received a "Disciplinary Action Report" describing a medication dispensing and documentation error in which the documentation indicated that Respondent dispensed a controlled substance to a resident after the order for that controlled substance had been discontinued.

6. On February 8, 2019, Respondent received a "Disciplinary Action Report" describing complaints from staff members alleging unprofessional behavior by Respondent.

7. Based upon these disciplinary issues, Respondent's employment was terminated on February 8, 2019, during her initial probationary period.

20 NUR 528

8. At all times relevant to this proceeding, Respondent was employed as a practical nurse, at a rehabilitation center, located in Burlington, Wisconsin (Center).

9. On September 28, 2020, Respondent received a "Disciplinary Action Form" outlining performance issues related to not completing controlled substance counts per Center policy, signing out controlled substances at incorrect times, and the finding of residents' controlled substances in the top drawer of the medication cart that Respondent had previously signed out.

10. The Center terminated Respondent's employment. On October 1, 2020, a voicemail was left and a certified letter was sent to Respondent informing her of this action.

Conviction in Kenosha County Circuit Court Case Number 2020CF000679

11. During the course of the investigations in DLSC cases 19 NUR 143 and 20 NUR 528, the Department became aware of Respondent's September 23, 2021 conviction in Kenosha County Circuit Court case number 2020CF000679 of one count of Retail Theft – Intentionally Take (<=\$500), a misdemeanor, in violation of Wis. Stat. § 943.50(1m)(b).

12. Upon the Department's request, the Assistant District Attorney who prosecuted this case provided a copy of the criminal complaint. The facts and circumstances of the offense were not substantially related to the practice of nursing.

13. There is no record of any communication from Respondent to the Department between September 24, 2021 and October 1, 2021.

14. To date, Respondent has not provided a copy of the Judgment of Conviction, "Report of Conviction" (Form #2704DLSC), or any other written or electronic communication to the Department to inform of the conviction or describe the circumstances of the crime.

15. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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 failed to notify the Board, in writing, of a misdemeanor conviction within 48 hours after the entry of the judgment of conviction within the meanings of Wis. Stat. § 440.03(13)(am) and Wis. Admin. Code § N 7.03(1)(h).

3. By the conduct described in the Findings of Fact, Respondent failed to perform nursing with reasonable skill and safety within the meaning of Wis. Admin. Code § N 7.03(6)(a).

4. By the conduct described in the Findings of Fact, Respondent 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).

5. 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. Respondent's license to practice as a licensed practical nurse (license number 306859-31), and privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (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 administration and four (4) hours of education on the topic of controlled substances accountability and documentation.

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 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.
- d. 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. Respondent's license to practice as a licensed practical nurse (license number 306859-31), and privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are further LIMITED as follows:

- a. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo an AODA assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.
- b. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- c. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
- d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- e. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- f. Respondent shall comply with the evaluator's recommendations.

5. Within one hundred and eighty (180) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$4,875.00.

6. Any requests, petitions, payment of costs (made payable to the Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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

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 (number 306859-31), 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 of the date of its signing.

WISCONSIN BOARD OF NURSING

By: Robert Weiman TW-LCHP
A Member of the Board

2/9/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER B. SINCLAIR, L.P.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008393

Division of Legal Services and Compliance Case Nos. 19 NUR 143 and 20 NUR 528

Jennifer B. Sinclair, L.P.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 Stacie Rosenzweig.

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

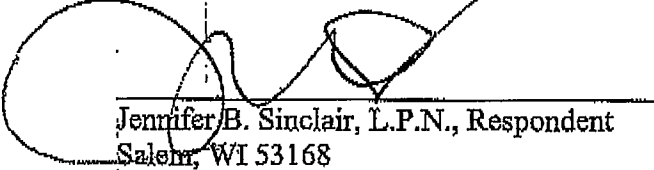
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

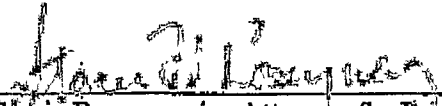
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



Jennifer B. Sinclair, L.P.N., Respondent
Salem, WI 53168
License No. 306859-31


Date


Stacie Rosenzweig, Attorney for Respondent
Halling & Cayo SC
320 E Buffalo St, Ste 700
Milwaukee, WI 53202

1/3/2023

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

1/4/2023

Date