

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

TERRI L. PAYNE, R.N., A.P.N.P., C.N.M.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008482

Division of Legal Services and Compliance Case No. 22 NUR 365

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

Terri L. Payne, R.N., A.P.N.P., C.N.M.
Gays Mills, WI 54631

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 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 Terri L. Payne, R.N., A.P.N.P., C.N.M., (Year of Birth 1973) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 129725-30, first issued on June 30, 1998 and current through February 29, 2024. Respondent is also certified in the state of Wisconsin as an advanced practice nurse prescriber, having certification number 3065-33, first issued on March 5, 2007 and current through September 30, 2024. Respondent is also licensed in the state of Wisconsin as a nurse-midwife, having license number 148797-32, first issued on May 30, 2006 and current through February 29, 2024.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Gays Mills, Wisconsin 54631.

3. At all times relevant to this proceeding, Respondent was employed as a nurse-midwife at a healthcare facility located in Prairie du Chien, Wisconsin (Facility).

4. At 6:33 a.m. on August 28, 2019, Patient A, a 27-year-old, morbidly obese female, was admitted to the Facility in labor after her membranes had ruptured two hours prior. Respondent took over care of Patient A and was at her bedside at 7:24 a.m.

5. Due to Patient A's body habitus, it was difficult to monitor fetal heart tones. Besides electronic fetal monitoring, Respondent ordered the use of a hand-held Doppler and Novii monitor, but at several points during labor there were gaps in the ability to monitor fetal heart tones, sometimes for over an hour. Respondent maintains that she was not notified or called to bedside by nursing staff during these gaps.

6. At 4:45 p.m., Patient A's blood pressure reading was elevated at 156/89.

7. At 7:48 p.m., Patient A's blood pressure reading was elevated at 176/91.

8. At 8:38, 8:42, and 8:48 p.m., Patient A recorded three elevated blood pressure readings in a row (175/110, 172/105, and 171/91 respectively) during the placement of an epidural, which indicated a severe range.

9. Respondent failed to diagnose hypertension, notify and consult with her collaborating physician about the elevated blood pressure readings, treat the elevated blood pressure with IV medication, and note the severe range blood pressure readings in Patient A's chart. Preeclampsia labs ordered by Respondent returned within normal range.

10. At 8:04 a.m. on August 29, 2019, Patient A vaginally delivered a severely depressed infant with APGAR scores of 0 at one minute and 2 at five minutes with no respiratory effort. The infant was later diagnosed with severe hypoxic ischemic encephalopathy and his family elected to withdraw life-saving measures. The infant died on September 3, 2019.

11. On October 17, 2019, Respondent successfully completed a six-hour course entitled Advanced Fetal Monitoring and passed the exam.

12. In March 2023, Respondent also completed a review of the following journal articles on a nurse-midwife's scope of practice:

- a. Journal of Midwifery & Women's Health, "United States Model Midwifery Legislation and Regulation: Development of a Consensus Document," February 2018.
- b. Journal of Midwifery & Women's Health, "Clinical Boundaries: What Parameters Determine a Midwife's Scope of Practice," November/December 2000.
- c. Journal of Clinical Nursing, "Nature and Scope of Certified Nurse-Midwifery Practice: A Workforce Study," November 2018.

- d. Journal of Midwifery & Women's Health, "Defining and Redefining Midwifery Practice," 2019.
- e. Journal of Obstetric, Gynecologic & Neonatal Nursing, "Association of Women's Health, Obstetric and Neonatal Nurses Official Position Statement: Midwifery," revised and reaffirmed March 2016.

13. 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 departed from or failed to conform to the minimal standard of acceptable nursing practice that may have created 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. By the conduct described in the Findings of Fact, Respondent failed to consult or delayed in consultation for clinical care beyond scope of practice, within the meaning of Wis. Admin. Code § N 7.03(6)(i).

4. By the conduct described in the Findings of Facts, Respondent failed to observe the conditions, signs and symptoms of a patient, record them, or report significant changes to the appropriate person, within the meaning of Wis. Admin. Code § N 7.03(6)(p).

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. The Board accepts the six (6) hours of education on the topic of Advanced Fetal Monitoring already completed by Respondent as the equivalent of education it would have otherwise ordered.

4. Respondent's license to practice as a registered nurse (number 129725-30), her certification to practice as an advanced practice nurse prescriber (number 3065-33), her license to practice as a nurse-midwife (number 148797-32), and her privilege to practice in Wisconsin pursuant to the Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete the following education: six (6) hours on the topic

of gestational hypertension and three (3) hours on the topic of recordkeeping. The education shall be offered by providers 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(s) 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.
5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,569.00.
6. Any requests, petitions, payments of costs (made payable to 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
DPSMonitoring@wisconsin.gov

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


7. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

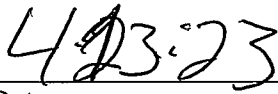
8. In the event Respondent violates any term of this Order, Respondent's licenses and certification (numbers 129725-30, 3065-33, and 148797-32), or Respondent's right to renew her licenses and certification, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or 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.

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

WISCONSIN BOARD OF NURSING

By:


A Member of the Board of Nursing


Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TERRI L. PAYNE, R.N., A.P.N.P., C.N.M.,
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STIPULATION

ORDER 0008482

Division of Legal Services and Compliance Case No. 22 NUR 365

Respondent Terri L. Payne, R.N., A.P.N.P., C.N.M., 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 Ashley Brown.

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

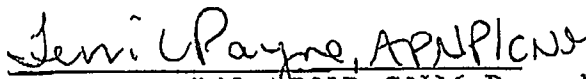
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

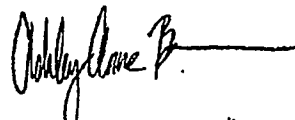
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

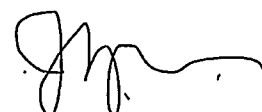
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Terri L. Payne, R.N., A.P.N.P., C.N.M., Respondent
Gays Mills, WI 54631
License Nos. 129725-30 and 148797-32
Certification No. 3065-33

3-30-2023
Date


Ashley Brown, Attorney for Respondent
Leib Knott Gaynor, LLC
219 N. Milwaukee St., Suite 710
Milwaukee, WI 53202

3/30/2023
Date


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

4/4/2023
Date