

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

MARK J. BRAENDLE, R.N.
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER0008760

Division of Legal Services and Compliance Case No. 23 NUR 024

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

Mark J. Braendle, R.N.
Petoskey, MI 49770

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. Mark J. Braendle, R.N. (Respondent), (Year of Birth 1958) is licensed in the state of Wisconsin as a registered nurse, having license number 153925-30, first issued on February 28, 2006. This license expired on March 1, 2022, and has not been renewed. Respondent may apply to renew his license pursuant to Wis. Stat. § 440.08(3) and upon payment of a fee through February 28, 2027. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Petoskey, MI 49770.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a hospital located in the state of Michigan (Facility).¹

3. On April 24, 2018, Respondent was treating a patient (Patient A) with an order for 1 mg of lorazepam per hour.

4. Respondent performed an override of the Facility's automated dispensing cabinet and removed 2 mg of lorazepam for Patient A without a physician order.

5. Respondent did not document administration, waste, or return of the lorazepam.

6. On April 25, 2018, Respondent was assigned to care for a patient (Patient B) on a ventilator. Without an order from Patient B's physician, Respondent adjusted the respiratory rate intermittently throughout the night.

7. On May 2, 2018, Respondent, contrary to instructions from a Facility lab employee, submitted Patient C's venous blood to the Facility's lab for a test that required arterial blood.

8. On July 19, 2019, during an interview with a Michigan Department of Licensing and Regulatory Affairs' investigator, Respondent admitted that he increased Patient B's ventilator setting without a physician order.

9. On August 6, 2020, the Michigan Board of Nursing (Michigan Board) entered an order which placed Respondent on probation for a minimum of one year with a maximum term of two years (Michigan Order).

10. On December 14, 2020, Respondent's Michigan nursing license was suspended for failure to comply with the Michigan Order.

11. On January 5, 2023, the Department received notice from the Michigan Board that Respondent's license was suspended and opened this case for investigation.

12. 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).

ORDER

1. The attached Stipulation is accepted.

¹ At the time relevant to this proceeding, Respondent was also licensed in the state of Michigan as a registered nurse, having license number 4704213533. This license expired on March 11, 2022.

2. The VOLUNTARY SURRENDER by Respondent of his license to practice nursing in the state of Wisconsin (license no. 153925-30), as well as his right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of his license to practice nursing in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,685.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as a nurse, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.


5. 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
DSPSMonitoring@wisconsin.gov

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

4. This Order is effective beginning ten (10) calendar days from the date of this Order.

WISCONSIN BOARD OF NURSING

By: 

A Member of the Board

9/14/2023

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK J. BRAENDLE R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008760

Division of Legal Services and Compliance Case No. 23 NUR 024

Mark J. Braendle, 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.

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

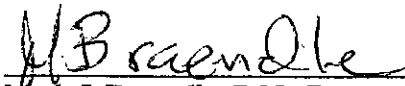
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.



Mark J. Braendle, R.N., Respondent
Petoskey, MI 49770
License No. 153925-30

08/10/2023
Date



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

August 28, 2023
Date