

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
JENNI-JO CLARK,	:	
RESPONDENT.	:	ORDER0008976

Division of Legal Services and Compliance Case Nos. 23 NUR 267, and 23 NUR 286

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

Jenni-Jo Clark
Oshkosh, WI 54901-5440

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. Jenni-Jo Clark (Respondent, Year of Birth 1979) is licensed in the state of Wisconsin as a licensed practical nurse, license number 313347-31, first issued on November 23, 2010, and current through April 30, 2023.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oshkosh, Wisconsin 54901-5440.

¹ Respondent has submitted an application for the renew of her license, but her application is on hold, pending the outcome of these two cases.

2. At all times relevant to this proceeding, Respondent worked as a licensed practical nurse at a nursing home located in Fond du Lac, Wisconsin (Facility).

Prior Board Action

3. In DLSC Case No. 21 NUR 243, Respondent used a coworker's cell phone to take a sexually explicit photo while working in which she and a CNA exposed their breasts. Respondent then set this picture as the home screen on the cell phone which was seen by several staff members.

4. In DLSC Case No. 21 NUR 341, Respondent performed unnecessary forceful manual extraction of stool from Patient A by inserting her fingers into Patient A's rectum despite the patient previously having a bowel movement and showing no signs of constipation. Respondent performed manual extractions frequently and was the only Facility staff member who performed them.

5. On April 13, 2023, the Board issued Order No. 8455 that resolved DLSC Case Nos. 21 NUR 243 and 21 NUR 341. Respondent was reprimanded, ordered to complete eight hours of education in ethics in nursing, four hours of education in sexual harassment, and pay costs.

6. Respondent successfully completed all the ordered education, but Respondent's license remains limited because she continues in a payment plan to pay the ordered costs.

Case No. 23 NUR 267

7. The Facility alleges that, during Respondent's overnight shift on March 26 - 27, 2023, Respondent's co-workers were unable to locate Respondent after approximately 4:00 a.m. During this time, one resident fell, residents did not receive scheduled medications, and two medication carts were left unlocked and unattended. Staff later discovered Respondent asleep in an empty resident room. The Facility terminated Respondent's employment as a result of this incident.

8. Facility documentation and resident records indicate that Respondent failed to document any care or services provided to several patients during that shift and failed to confirm that at least two patients missed medication doses while another patient suffered a fall.

9. Several witness statements made during the Facility's investigation show that Respondent's whereabouts were unknown from 4:00 a.m. until approximately 6:00 a.m. when she was found sleeping in an empty resident room.

10. In a statement during the Facility's investigation of the incident, Respondent stated that she had a history of seizures and laid down when she felt an aura, possibly indicating an impending seizure. Her next recollection was being awakened by staff at approximately 6:00 a.m.

11. Respondent provided several statements to the Department in response to this investigation. She stated that she had not suffered from grand mal seizures since she was a teenager but "very, very occasionally" had focal seizures. During her focal seizures, she remains standing and is aware of her surroundings. She has not been medicated for seizures since her teen years.

12. Respondent provided the name of her primary care provider and stated that she sought medical attention from that provider “at his first available appointment he had after the seizure event at the [Facility] on the morning of 03/27/2023.”

13. The Department obtained and reviewed all records from Respondent’s primary care provider for dates of service between March 26, 2023, and April 10, 2023. The records indicate that, on March 28, 2023, Respondent requested an appointment after a physical altercation and complained of ‘increased soreness to [left] hip, down my left leg and across my lower back.’ The appointment request contains no mention of a recent seizure or need to be evaluated post-seizure.

14. Respondent was seen by her primary care provider on March 30, 2023. The visit notes from this appointment indicate that Respondent described a physical altercation without mention of a seizure or the March 27, 2023 incident during her shift at work. The notes show an examination consistent with Respondent’s description of an altercation without mention of any neurological examination or other seizure-related testing. The primary care provider did not render a seizure-related diagnosis or order follow-up neurological testing.

15. On March 30, 2023, the same date of Respondent’s primary care appointment, the provider included a “To Whom It May Concern” letter which read, “This patient has a history of seizure disorder. She has been on seizure medications in the past.” There was no mention of recent seizure activity.

16. After review of the records from the March 30, 2023 visit and in light of Respondent’s prior statements, the Department sought additional details from Respondent, specifically requesting clarity regarding the extent of her physical examination, as well as any diagnostic testing, follow-up referrals, or ordered medications. Respondent replied:

I saw my primary doctor because it had been so long since I had a grandma[l] seizure. All of my motor skills were intact. He was not concerned at that time he said if they continue to occur, he was going to refer me to neurology but because it was an isolated incident he did not want to jump the gun and put me through a whole bunch of testing...

17. Due to the discrepancies between the Respondent’s medical records and her statements regarding the appointment, possibly indicating a standard of care violation by her primary care provider, the Department contacted Respondent’s provider requesting further information regarding the character and documentation of the March 30, 2023 visit and the meaning of the letter regarding Respondent’s seizure history. The primary care provider responded:

[T]o my knowledge, we did not discuss any seizure activity at that visit. [Respondent] later requested the letter and I only could legally put that per my records she has a history of seizure disorder as I had no evidence of it recently.

Case No. 23 NUR 286

18. On April 17, 2023, Respondent self-reported that on January 17, 2023 she plead no contest and was convicted, in Winnebago County Court Case No. 2022CF212, of two counts of Theft – False Representation, misdemeanors, in violation of Wis. Stat. § 943.20(1)(d). Respondent was placed on two years of probation and ordered to pay restitution and costs.

19. The circumstances of the offense involve Respondent's opening of a WPS Utility account under her daughter's name which incurred a balance of \$885.55.

20. Respondent stated that a dispute with her daughter resulted in her daughter recanting her permission for Respondent to use the daughter's name for her household electric and heat services.

21. Respondent was not aware that she needed to report a criminal conviction to the Board within 48 hours of the conviction.

22. 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 of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction, within the meaning of Wis. Admin. Code § N 7.03(1)(h).

3. By the conduct described in the Findings of Fact, Respondent submitted false information in the course of an investigation, within the meaning of Wis. Admin. Code § N 7.03(5)(g).

4. 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 an 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. By the conduct described in the Findings of Fact, Respondent failed to report to or left a nursing assignment without properly notifying appropriate supervisory personnel and ensuring the safety and welfare of the patient or client, within the meaning of Wis. Admin. Code § N 7.03(6)(d).

6. By the conduct described in the Findings of Fact, Respondent failed to treat a patient, within the meaning of Wis. Admin. Code § N 7.03(6)(j).

7. By the conduct described in the Findings of Fact, Respondent failed to provide medically necessary items or services, within the meaning of Wis. Admin. Code § N 7.03(6)(L).

8. By the conduct described in the Findings of Fact, 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).

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent license to practice as a licensed practical nurse (license number 313347-31) is SUSPENDED for a period of thirty (30) days, effective the date of this order.
3. Respondent's license to practice as a licensed practical nurse (license number 313347-31), and privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are LIMITED for a minimum of two (2) years after the lifting of the thirty (30) day suspension as follows:
 - a. 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.
 - b. Respondent may not work as a nurse in the following settings: home health care, hospice, pool nursing, assisted living, agency, skilled nursing facilities, or in a correctional setting.
 - c. Respondent shall provide a copy of this Order, and any subsequent order modifying this original Order, immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future. Within fourteen (14) days from the date of this Order, including any subsequent order modifying this original Order, Respondent shall provide the Department Monitor with written acknowledgment from the employer that a copy of this Order, and any subsequent order modifying this original Order, have been received and that the restrictions will be accommodated.
 - d. It is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates less than satisfactory performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.
 - e. Respondent shall report to the Board any change of employment status, residence, mailing address, email address, or telephone number within five (5)

days of the date of a change. This report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,253.00. If costs are not paid ninety (90) days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).

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
DPSMonitoring@wisconsin.gov

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

6. 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.

7. In the event Respondent violates any term of this Order, Respondent's license (number 313347-31), 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 on the date of its signing.

WISCONSIN BOARD OF NURSING

By:


A Member of the Board of Nursing

2/8/2024

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JENNI-JO CLARK,	:	
RESPONDENT.	:	ORDER0008976

Division of Legal Services and Compliance Case Nos. 23 NUR 267, and 23 NUR 286

Jenni-Jo Clark (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

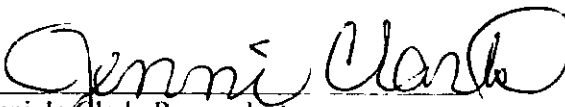
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

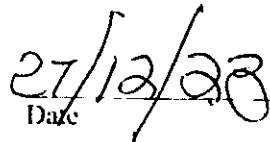
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

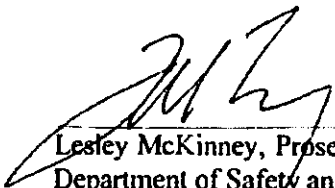
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Jenni-Jo Clark, Respondent
Oshkosh, WI 54901-5440
License No. 313347-31


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

1/2/2024
Date