

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : LS0209056NUR  
 JAMES J. PIPER, R.N., :  
 RESPONDENT. :

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FINAL DECISION AND ORDER

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The parties to this action for the purposes of § 227.53, Stats., are:

James J. Piper, R.N.

**1938 Schlimgen Avenue #B**

**Madison, WI 53704**

Wisconsin Board of Nursing

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

1. James J. Piper, R.N., Respondent, date of birth August 22, 1958, is licensed by the Wisconsin Board of Nursing as a registered nurse in the State of Wisconsin pursuant to license number 127193, which was first granted August 5, 1997.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1938 Schlimgen Avenue, #B, Madison, WI 53704.

3. During the events of this matter, Respondent was employed as a registered nurse at University of Wisconsin Hospitals and Clinics (UWH) in Madison, Wisconsin.

4. From June 14, 2000 through June 18, 2000, Ms. A (DOB 5/21/67), an inmate at the Robert E. Ellsworth Correctional Center in Union Grove, Wisconsin, was hospitalized at UWH, where she underwent a total abdominal hysterectomy. Respondent was one of the nurses who provided nursing services to Ms. A following her surgery.

5. During this period of hospitalization, Respondent and Ms. A engaged in several conversations. Respondent and Ms. A became friendly with one another and confided in each other. Ms. A was attracted to Respondent and felt that he was also attracted to her. Prior to Ms. A being released from UWH, Respondent came into Ms. A's room several times. Respondent:

gave Ms. A a lot of special attention.

exchanged addresses with Ms. A so they could write to one another.

Ms. A alleges that he touched Ms. A on her face and shoulder, hugged her and kissed her forehead.

Ms. A alleges that he examined Ms. A's vaginal area with his fingers after she mentioned she was having some vaginal discharge. Respondent contends that he was examining Ms. A's transverse abdominal suture line. Ms. A thought he spent more time during this examination than was necessary.

Ms. A contends that he made comments about Ms. A's shaved pubic hair, stating how cute it was and that it made him smile, which made her uncomfortable. Respondent contends that he reassured her that the scar would not be visible.

6. On June 18, 2000, following her release from UWH, Ms. A wrote a letter to Respondent thanking him for the special care he gave her and asked him to thank the other hospital staff members. Ms. A told Respondent that she was grateful he treated her as a human being and not like a prisoner.

7. On June 20, 2000, Respondent wrote to Ms. A. In his letter, Respondent:

mentioned ending his relationship with his girlfriend.

talked about how he believed in love at first sight and how he believed in satisfying his initial urges when he met someone.

reminded Ms. A of how her shaved pubic area made him smile.

told Ms. A that he was very attracted to her.

told Ms. A that her smile was alluring and commented about her eyes.

asked Ms. A if she had a history of manipulating others.

8. Ms. A developed peritonitis and on June 25, 2000, was readmitted to UWH for treatment of the

infection.

9. Sometime between 11:00 p.m. and 12:00 midnight on the night of June 26-27, 2000, Respondent came into Ms. A's room to tell her he would again be caring for her. Throughout the night, Respondent came into Ms. A's room approximately five times. Respondent:

kissed Ms. A passionately every time he entered her room.

sometimes placed his hands on and squeezed Ms. A's breasts.

on one occasion, started to play with Ms. A's breasts and started to suck them. Ms. A contends that she was shocked and pushed him away

10. Respondent returned to Ms. A's room at approximately 3:00 a.m., at which time Ms. A asked Respondent for pain medication. About 30 minutes later, Respondent returned to Ms. A's room and gave her two Percocet® tablets which Ms. A ingested before Respondent left the room.

11. Percocet® is a brand of oxycodone, a narcotic analgesic and a schedule II controlled substance, which has sedating properties.

12. At approximately 4:00 a.m., Respondent entered Ms. A's room and had sexual intercourse with her. Respondent did not ask for Ms. A's consent to the contact. Ms. A contends that she did not say anything during the entire episode. Respondent alleges that Ms. A made statements from which he believed that she was consenting to the contact.

13. Later that morning, Ms. A informed another nurse about what Respondent had done, who advised Ms. A to report the incident. Ms. A reported the incidents and the police investigated. Among other evidence which was gathered was the bed linen from Ms. A's hospital bed, which contained semen with Respondent's DNA.

14. On June 26, 2001, as a result of the above contact, Respondent was charged in Dane County Wisconsin Circuit Court case number 01CF001355, with violating § 940.225(2)(g), Stats., 2<sup>nd</sup> Degree Sexual Assault/Treatment Facility Employee, a Class BC felony.

15. The criminal proceeding was set for jury trial, but on May 13, 2002, Respondent entered into a plea agreement, by which Respondent pled no contest and was then found guilty and convicted of one count of 2<sup>nd</sup> Degree Sexual Assault/Treatment Facility Employee, a violation of § 940.225(2)(g), Stats., a Class BC felony.

16. On May 23, 2002, Respondent was sentenced to ten years probation including 60 days in jail beginning July 13, 2002.

17. § 940.225(2)(g), Stats., is a law substantially related to the practice of professional nursing.

#### **CONCLUSIONS OF LAW**

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.

2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by having violated a law substantially related to the practice of professional nursing, has committed misconduct and unprofessional conduct, as defined by Wis. Adm. Code § N 7.04(1) and is subject to discipline pursuant to § 441.07(1)(d), Stats.

4. Respondent, by engaging in inappropriate sexual contact with a patient, has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(11) and is subject to discipline pursuant to § 441.07(1)(d), Stats.

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of James J. Piper as a registered nurse in the state of Wisconsin is hereby REVOKED, effective immediately.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 5th day of September, 2002.

Linda M. Sanner, R.N.

**Chairperson**

**Board of Nursing**