

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HOPE V. DAVIS, R.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

ORDER 0001794

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

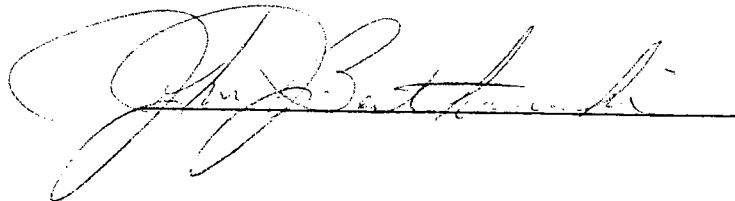
ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Hope V. Davis, R.N.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin, Board of Nursing.

Dated this 14 day of November, 1984.



STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

HOPE V. DAVIS, R.N., :
RESPONDENT :

PROPOSED DECISION

The parties to this proceeding for the purposes of Wis. Stats.
sec. 227.16 are:

Hope V. Davis, R.N.
5 Ironwood Court
Lake Zurich, Illinois 60047

Board of Nursing
1400 East Washington Avenue, Room 174
P.O. Box 8936
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P.O. Box 8936
Madison, Wisconsin 53708

A hearing was held in the above-captioned matter on September 6, 1984 at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for the complainant was Attorney Michael J. Berndt, Department of Regulation and Licensing, Division of Enforcement. The respondent, Hope V. Davis, was not present nor was anyone present to represent her.

Based upon the record herein, the Hearing Examiner recommends that the Board of Nursing adopt the following Findings of Fact, Conclusions of Law, and Order as its final decision.

FINDINGS OF FACT

1. Hope V. Davis (Davis) held a certificate as a registered nurse at all times relevant to this proceeding.

2. Davis' registered nurse certificate is #76040 and was issued on May 9, 1980. Davis has not renewed her license to practice as a registered nurse, her previous license having expired January 31, 1984. Davis currently possesses the right to renew her license as a registered nurse.

JURISDICTION

3. Davis' last reported address is 5 Ironwood Court, Lake Zurich, Illinois 60047.

4. Service of the Notice of Hearing and Complaint was made by certified mail addressed to Davis at the address set forth above in paragraph 3. This mailing was returned to the Department of Regulation and Licensing, the envelope bearing the written notation: "MLNO"; inferentially indicating that Davis had moved and left no forwarding order with the post office.

5. Service of the Notice of Hearing and Complaint was attempted by regular mail addressed to Davis at the address set forth above in paragraph 3. This mailing was returned to the Department of Regulation and Licensing, the envelope bearing the stamped notation: "MOVED - LEFT NO ADDRESS."

6. Service of the Notice of Hearing and Complaint was attempted by personal service by sheriff at the address set forth above in paragraph 3. The certificate of service by the sheriff received by the Department of Regulation and Licensing indicates that such attempted service was unsuccessful and indicates that Davis moved to Chicago in December, 1983. Despite a due and diligent search by an investigator employed within the Department of Regulation and Licensing, Division of Enforcement, a Chicago address for Davis could not be discovered or established.

7. Section RL 2.08 of the Wisconsin Administrative Code provides in material part as follows:

(1) The complaint, notice of hearing, all orders and other papers required to be served on a respondent may be served by mailing a copy of the paper to the respondent at the last known address of the respondent or by any procedure described in s. 801.14(2), Stats. Service by mail is complete upon mailing.

CONDUCT

8. Davis was convicted of the crime of practicing midwifery without a license contrary to Chapter 111, Section 4464, Illinois Revised Statutes, upon a plea of guilty on July 15, 1983, in the Circuit Court for the Sixteenth Judicial Circuit, DeKalb County, Illinois. A copy of the conviction record and Information to which Davis pled guilty is attached hereto, marked Exhibit #1, and incorporated herein.

9. Davis was convicted of the crime of practicing midwifery without a license contrary to Chapter 111, Section 4464, Illinois Revised Statutes, upon a plea of guilty on July 15, 1983, in the Circuit Court of McHenry County, Illinois. A copy of the conviction record and Bill of Indictment upon which the plea was based is attached hereto, marked Exhibit #2, and incorporated herein.

10. On October 13, 1983, the registered nurse license of Davis issued by the State of Illinois was indefinitely suspended by the Illinois Department of Registration and Education, based upon the criminal convictions set forth above. A copy of the Notice of indefinite suspension and the Consent Order is attached hereto, marked Exhibit #3, and incorporated herein.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07.
2. Davis did not file an Answer to the Complaint as required by Wis. Adm. Code sec. RL 2.09, or appear at the evidentiary hearing, and is therefore in default pursuant to Wis. Adm. Code sec. RL 2.14.
3. By being convicted of the crimes described in paragraphs 8 and 9 of the Findings of Fact, Davis has violated a law substantially related to the practice of nursing contrary to Wis. Adm. Code sec. N 11.03(3)(a), which constitutes unprofessional conduct under Wis. Adm. Code sec. N 11.04(1).
4. By having her Illinois registered nurse license indefinitely suspended as described in paragraph 10 of the Findings of Fact, Davis has had disciplinary action taken against her license contrary to Wis. Adm. Code sec. N 11.03(3)(d), which constitutes unprofessional conduct under Wis. Adm. Code sec. N 11.04(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the certificate of Hope V. Davis to practice as a registered nurse in the State of Wisconsin (#76040), shall be and hereby is revoked, effective ten days following the date of the final decision and order of the Board of Nursing.

OPINION

The respondent, Hope V. Davis, was twice convicted in the State of Illinois for the practice of midwifery without a license. Based upon these convictions, the Illinois Department of Registration and Education suspended indefinitely her license to practice as a registered nurse in that state. The Complaint before this Board is founded upon the criminal convictions and the disciplinary action taken by the Illinois licensing agency.

Ms. Davis did not file an Answer to the Complaint or appear at the hearing in this matter. The Division of Enforcement presented documentary and testimonial evidence establishing the allegations contained within the Complaint.

The only remaining issue is the appropriate discipline, if any, to be imposed by the Board in light of the conduct of Ms. Davis. The conduct of Ms. Davis in engaging in the unlicensed practice of midwifery in the State of Illinois is serious, as is the fact that she was also subjected to disciplinary action against her license in that state. The failure of Ms. Davis to respond to the Complaint or appear at the hearing results in the failure of the record to contain any mitigating circumstances which might have been brought out by her. It should be assumed, accordingly, that there are none.

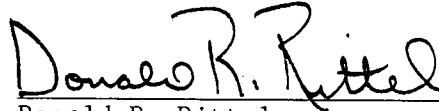
Complainant's attorney recommended that the certificate of Ms. Davis to practice as a registered nurse in this state be revoked. Wis. Stats. sec. 441.07(2), provides as follows:

"A certificate or license revoked may, after one year, upon application be reinstated by the board."

It is recommended that Ms. Davis' certificate be revoked. Such action, if adopted by the Board, will serve to prohibit her from practicing as a registered nurse in this state for a period of at least one year. Thereafter, she may apply for reinstatement, at which time the Board can assess her current status, including that regarding her licensure in the State of Illinois.

Dated at Madison, Wisconsin this 1st day of October, 1984.

Respectfully submitted,

A handwritten signature in dark ink, reading "Donald R. Rittel". The signature is written in a cursive style with a horizontal line underneath the name.

Donald R. Rittel
Hearing Examiner

DRR:ma
266-828

FILED
IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff
vs.

JUL 15 1983

No. 83CM 26

HOPE V. DAVIS

Defendant
CIRCUIT CLERK
16th JUDICIAL CIRCUIT
DE KALB COUNTY

ORDER OF CONDITIONAL DISCHARGE

This cause coming on for hearing, and the defendant having appeared in court and ☒ having entered a guilty plea to charge of PRACTICING MIDWIFERY W/C
☐ having been found guilty of the charge of A LICENSE
on this date, and the Court being of the opinion that neither a sentence of imprisonment nor of probation is appropriate;

IT IS THEREFORE ORDERED that the above named defendant be sentenced to a period of TWELVE months Conditional Discharge until JULY 13, 19 1984 at 1:30 pm.m.
upon the following conditions:

That the defendant during the term of said Conditional Discharge:

1. Shall not violate any criminal statute of any jurisdiction;

~~2. Shall make a report to and appear in person before any such person or agency as may be directed by this Court.~~

3. Shall refrain from possessing a firearm or other dangerous weapon.

IT IS FURTHER ORDERED that the defendant comply with these additional conditions during said term of Conditional Discharge:

☐ Serve a term of periodic imprisonment in the DeKalb County Jail as follows:

☒ Pay a fine of \$ 200.00 and costs of \$ 55.00, said fine and costs to be paid

BY AUGUST 12, 1983 AT 1:30 PM

☐ Make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss. The Court determines the amount and conditions of payment as follows:

☒ Report to Coordinator, Community Restitution Program, 124 E. State Street, Suite 201, Sycamore, Illinois, (815) 895-9161, Ext. 197, within 48 hours, to perform ONE HUNDRED hours of community restitution work as directed.

☐ Undergo medical or psychiatric treatment or treatment for drug addiction or alcoholism, as follows:

☐ Other:

DATED this 15th day of JULY, 19 83

ENTER:

Judge

Exhibit #1
111a4 NDP.

INFORMATION

Gen. No. _____

Page No. _____

PEOPLE v. HOPE VALORA DAVIS

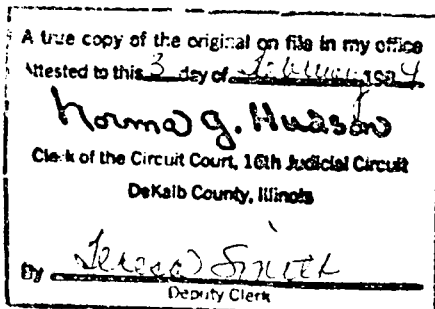
Count Two

T. JORDAN GALLAGHER, State's Attorney of DeKalb County, charges
April 12, 1982 and August 18, 1982
that ~~XXXXXX~~ _____, ~~XX~~ _____, Hope Valora Davis
committed the offense of PRACTICING MIDWIFERY WITHOUT A LICENSE
in violation of Chapter 111, Section 4464,
Illinois Revised Statutes, as amended, in that in DeKalb County, Illinois,
said defendant between April 12, 1982 and August 18, 1982, provided pre-natal
care to ELIZABETH COX, provided medical care during labor of ELIZABETH COX,
assisted in an attempted delivery of BABY GIRL COX, including the
administration of certain medications including the drug Pitocin, immediately
prior to the stillbirth of BABY GIRL COX on August 18th, 1982, while HOPE
VALORA DAVIS did not possess a valid license to practice midwifery in the State
of Illinois.

FILED
Norman G. Hudson

JAN 10 1983

CIRCUIT CLERK
16th JUDICIAL CIRCUIT
DE KALB COUNTY



(Multiple Count Information)

T. Jordan Gallagher
T. JORDAN GALLAGHER
State's Attorney of DeKalb County

IN THE CIRCUIT COURT OF McHENRY COUNTY, ILLINOIS
COUNTY DEPARTMENT CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS

v

Hope V. Davis
DOB: 10-13-40

Case No. 83CM-22

CERTIFIED STATEMENT OF CONVICTION

I, VERNON W. KAYS, JR., Clerk of the Circuit Court of McHenry County, Illinois, and keeper of the records and seal do hereby certify that the records of the Circuit Court of McHenry County show that:

- I. On January 4, 1983 the duly impanelled McHenry County Grand Jury for January 4, 1983 returned an indictment, number 83CM-22 charging the above named defendant with Practicing medicine without a license & practicing midwifery without a license
- On _____ pursuant to statutory authorization, the States Attorney of McHenry County filed an information, number _____, charging the above named defendant with _____
- II. On January 4, 1983 the above named defendant, while represented by counsel was duly arraigned before the Honorable Henry Cowlin of the Circuit Court of McHenry County and entered a plea of not guilty to the offense.
- III. A jury impanelled and thereafter returned against the defendant who was represented by counsel, a verdict of guilty of _____ on _____
- A trial by jury was waived by the defendant, who was represented by counsel and thereafter the Court found the defendant guilty of _____ on _____
- The defendant, after having been fully advised of his rights, and while represented by counsel withdrew his plea of not guilty and entered a plea of guilty to Practicing midwifery without a license on July 15, 1983
- IV. On July 15, 1983 judgment was entered on the conviction and the defendant was sentenced by the Honorable Michael Sullivan to Practicing midwifery without a license

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date: February 3, 1984

Vernon W. Kays, Jr.
VERNON W. KAYS, JR.
Clerk of the Circuit Court
McHenry County, Illinois

Exhibit #2
9/6/84 DRR

STATE OF ILLINOIS)
COUNTY OF McHENRY) SS.

FILED
IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

-vs-

HOPE VALORA DAVIS

JAN 4 1983

No.

83CM-22

~~83CF-9~~

Kenneth W. Taylor
Clerk of the Circuit Court
BILL OF INDICTMENT

The Grand Jury charges:

COUNT I

That between September 3, 1981 and March 24, 1982, in McHenry County, in the State of Illinois, HOPE VALORA DAVIS committed the offense of PRACTICING MEDICINE WITHOUT A LICENSE, in that the said defendant provided prenatal care to Patricia Opsahl and provided medical attention to Patricia Opsahl during labor, prior to Patricia Opsahl's delivery of a male child on March 24, 1982, while Hope Valora Davis did not possess a valid license to practice medicine in the State of Illinois, in violation of Illinois Revised Statutes, Chapter 111, Section 4460.

COUNT II

That between September 3, 1981 and March 24, 1982, in McHenry County, in the State of Illinois, HOPE VALORA DAVIS committed the offense of PRACTICING MIDWIFERY WITHOUT A LICENSE, in that the said defendant provided prenatal care to Patricia Opsahl and provided medical attention to Patricia Opsahl during labor, prior to Patricia Opsahl's delivery of a male child on March 24, 1982, while Hope Valora Davis did not possess a valid license to practice midwifery in the State of Illinois, in violation of Illinois Revised Statutes, Chapter 111, Section 4464.

A TRUE BILL

Frank J. Dorch
FOREPERSON

STATE OF ILLINOIS



DEPARTMENT OF REGISTRATION AND EDUCATION

320 West Washington—3rd Floor • Springfield, Illinois 62786 • (217) 785-0800

GARY L. CLAYTON—Director



DEPARTMENT OF REGISTRATION AND EDUCATION
of the State of Illinois, Complainant

v.

HOPE DAVIS

License No. 041-149057

Respondent

No. 83-4

C E R T I F I C A T I O N

I, SHARI DAM, CHIEF OF PROSECUTIONS, DEPARTMENT OF REGISTRATION AND EDUCATION of the State of Illinois, do hereby certify this to be a true and correct copy as it appears from the records and files in my office. IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the Department of Registration and Education of the State of Illinois.

DATE

February 9, 1984

A handwritten signature in dark ink, appearing to read 'SDm', written over a horizontal line.

SHARI DAM
CHIEF OF PROSECUTIONS

S E A L

*Exhibit #3
9/6/84 DRR*

STATE OF ILLINOIS

DEPARTMENT OF REGISTRATION AND EDUCATION

DEPARTMENT OF REGISTRATION AND EDUCATION)	
of the State of Illinois,)	
)	No. 83-4
v.)	
HOPE DAVIS)	
License No. 041-149057,)	
)	
Respondent)	

NOTICE

TO: Hope Davis	Ruth M. Moscovitch
5 Ironwood Court	Attorney at Law
Lake Zurich, IL 60047	Northwestern University School of Law
	357 East Chicago Avenue
	Chicago, IL 60611

PLEASE TAKE NOTICE that the Director of the Department of Registration and Education did sign the attached ORDER which provided that your license as a registered nurse, be indefinitely suspended.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

YOU ARE FURTHER NOTIFIED that if you do not avail yourself of said judicial review, the Order of the Director of the Department of Registration and Education will be implemented as

of the date of the Order unless the Order states otherwise.

DEPARTMENT OF REGISTRATION AND
EDUCATION of the State of Illinois

BY: Mary Anne Thilmany
Mary Anne Thilmany
Attorney for the Department

Mary Anne Thilmany
Attorney for the Department
of Registration and Education
of the State of Illinois
17 North State Street, 17th Floor
Chicago, Illinois 60602
(312) 793-8514

MAT: vlg

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

The undersigned, being duly sworn on oath, states that on the date hereafter set out I mailed copies of the foregoing NOTICE and ORDER, by depositing them in the United States mailbox located at 17 North State Street, Chicago, Illinois, and by sending them by certified mail at 211 South Clark Street, Chicago, Illinois, to all parties at the addresses listed above.

Lebron Johnson
AFFIANT

Subscribed and sworn to before me
this 26th day of October, 1983.

Margaret L. Pope
NOTARY PUBLIC

STATE OF ILLINOIS

DEPARTMENT OF REGISTRATION AND EDUCATION

DEPARTMENT OF REGISTRATION AND EDUCATION)	
of the State of Illinois, Complainant)	
v.)	No. 83-4
HOPE DAVIS)	
License No. 041-149057, Respondent)	

CONSENT ORDER

The Department of Registration and Education by Mary Ann Thilmany, one of its attorneys, and Hope Davis, Respondent, hereby agree to the following:

STIPULATIONS

Hope Davis is licensed as a registered nurse in the State of Illinois, holding License No. 041-149057. At all times material to the matter set forth in this Consent Order, such license has been in good standing with the Department and in active status.

Information has come to the attention of the Department and Respondent has admitted that on or about August 16, 17, and 18, 1982, Respondent practiced midwifery without a license and on or about March 23 and 24, 1982, Respondent practice midwifery without a license.

Such acts by Respondent, if proven to be true, would constitute grounds for suspending or revoking Respondent's license as a registered nurse, on the authority of Illinois Revised Statutes (1981), Chapter 111, paragraph 3420(2),(6), and (7) and Section 3405.

Respondent has been advised of the right to have the pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any order resulting from a hearing. Respondent knowingly waives each of these rights, as well as waiving any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Hope Davis be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Mary Ann Thilmany, its attorney, and Hope Davis agree:

- A. The registered nurse license No. 041-149057 of Hope Davis is indefinitely suspended.
- B. Said license shall only be restored to Respondent upon the Recommendation of the Committee of Nurse Examiners after a formal hearing.
- C. Respondent shall surrender to the Department all current indicia of licensure, including all copies of wall certificates and wallet cards immediately.

- D. Any violation by Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Respondent's license to practice as a registered nurse in the State of Illinois.
- E. This Consent Order shall become effective upon approval by the Director of the Department.

DATED THIS 7th DAY OF October, 1983.

DEPARTMENT OF REGISTRATION AND
EDUCATION of the State of Illinois

BY: Mary Ann Thilmany
Mary Ann Thilmany
Attorney for the Department

Hope Davis
Hope Davis
Respondent

Ruth M. Moscovitch
Ruth M. Moscovitch
Attorney for the Respondent

The foregoing Consent Order is approved in full.

DATED THIS 13th DAY OF October, 1983.

DEPARTMENT OF REGISTRATION AND
EDUCATION of the State of Illinois

Gary L. Clayton
GARY L. CLAYTON
DIRECTOR

MAT:tlg

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

The undersigned, being duly sworn on oath, states that on the date hereafter set out I mailed a copy of the foregoing CONSENT ORDER, by depositing it in the United States mailbox located at 17 North State Street, Chicago, Illinois, the CONSENT ORDER also being mailed by certified mail at 211 South Clark Street, Chicago, Illinois, to all parties at these addresses:

Ruth Moscovitch
Northwestern University
School of Law
357 East Chicago Avenue
Chicago, IL 60611

Lebron Johnson Jr.
AFFIANT

Subscribed and sworn to before me
this 9th day of August, 1983.

Margaret L. Pope
NOTARY PUBLIC