

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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1996

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

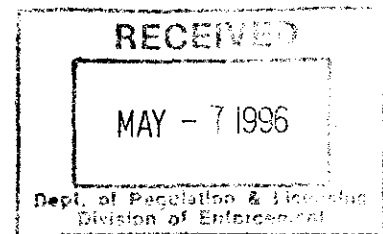
IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JERRY R. ERICKSON, R.N.	:	94 NUR 083
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Jerry R. Erickson, R.N.
P.O. Box 322
Ettrick, WI 54627

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 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

1. Jerry R. Erickson, R.N., Respondent, date of birth March 9, 1959, was licensed by the Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 110652, which was first granted September 11, 1992.
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 322, Ettrick, WI 54627.
3. That from April 14, 1993, to August 2, 1993, Patient A was an inpatient at Trempealeau County Health Care Center for psychological treatment. During the hospitalization,

she was diagnosed with: depressive disorder; mixed eating disorder; and, probable borderline personality disorder.

4.. That during Patient A's hospitalization at Trempealeau County Health Care Center, Patient A received nursing services from Respondent.

5. That while Patient A was an inpatient at Trempealeau County Health Care Center, Patient A and Respondent developed a personal relationship in addition to the professional relationship. This included Patient A allowing Respondent to live in Patient A's apartment from June 1993 to September 1993.

6. During the time Patient A was hospitalized and Respondent was residing in Patient A's apartment, Patient A received passes which allowed her to leave the hospital and reside at her apartment for short periods of times. When Patient A received those passes, Respondent and Patient A resided together and had sexual contact including sexual intercourse.

7. Respondent has not practiced as a registered nurse or in any other health related job since June 20, 1994, when his employer indefinitely suspended and then terminated him from his employment at Trempealeau County Health Care Center for this conduct.

8. Respondent has admitted to having the sexual relationship with Patient A and has cooperated with the investigation of the facts.

9. Respondent, at his own expense, was evaluated by Ron McGuire, MSSW, a practitioner with experience evaluating sexual offenders. Mr. McGuire's 12/4/95 report is 6-pages in length and has attached an October 19, 1995 11-page psychological evaluation of Respondent by Charles Dawley, a Minnesota licensed psychologist.

CONCLUSIONS OF LAW

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

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

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Jerry R. Erickson as a registered nurse in the state of Wisconsin is hereby SUSPENDED for a period of at least one year, effective immediately.
2. That during the period Respondent's certificate is suspended, Respondent shall not be employed in any mental health care setting in the state of Wisconsin and shall not provide any form of mental health services to patients or clients in the state of Wisconsin.
3. That Respondent may petition the Board for the termination of the suspension, after one year, under the following terms and conditions:
 - a. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of clients and public. Such proof shall include:
 - i. A report from his therapist indicating that Respondent became fully involved in and successfully completed group therapy highlighting relapse prevention for sex offenders.
 - ii. The results of another psychological evaluation which shall be performed by a practitioner, who shall first be approved by the Board, upon completion of group therapy for sex offenders.
 - iii. A report from his psychotherapist indicating that Respondent has participated in individual psychotherapy, in addition to group sex offender therapy, and addressing progress made relating to the issues identified by the evaluations and tests performed by McGuire and Dawley.
 - b. If the Board determines to end the suspension, limitations shall be imposed on Respondent's license, as follows:
 - i. Respondent shall be ordered to participate in any further psychotherapy, which is identified as appropriate by the psychological evaluation referred to in paragraph 3. a. ii., above. The psychotherapist shall be a practitioner approved by the Board. . If psychotherapy is ordered, there shall be appropriate requirements of periodic reports and releases of information.
 - ii. Respondent's practice of nursing shall be under such supervision as the Board deems appropriate based upon the evaluations of McGuire and Dawley and future psychological evaluations. There shall be appropriate requirements of periodic reporting and immediate reporting of violations of the Board's Order and of possible misconduct or unprofessional conduct.

iii. Respondent's practice of nursing shall be limited in setting or by type of patient as the Board deems appropriate based upon the evaluations of McGuire and Dawley and future psychological evaluations

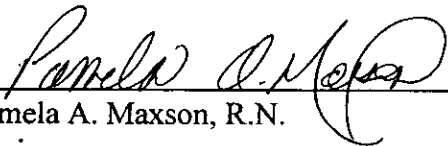
c. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

4. If Respondent believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board under paragraph 3 is inappropriate, Respondent may seek a class 1 hearing pursuant to sec. 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 3 above, may constitute grounds for revocation of Respondent's license as a registered nurse in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 3 above, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

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 2nd day of May, 1996.



Pamela A. Maxson, R.N.
Chairperson
Board of Nursing

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