

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

SHIRLEY A. CONNELLY, R.N.,  
RESPONDENT.

95 NUR 056

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

Shirley A. Connelly, R.N.  
2600 San Leandro Blvd., Apt. 1105  
San Leandro, CA 94578-5066

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:

FINDINGS OF FACT

1. Shirley A. Connelly, R.N., Respondent, date of birth June 20, 1950, was licensed by the Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 116221, which was first granted April 21, 1994.

2. Respondent's last address reported to the Department of Regulation and Licensing is 47 Albemarle Road, #4, Asheville, NC 28804.

3. Respondent is currently living at 2600 San Leandro Blvd., Apt. 1105, San Leandro, CA 94578-5066.

4. That from November 25, 1991 through June 4, 1992 Respondent had a temporary permit to practice as a registered nurse in the State of Wisconsin, issued pursuant to sec. 441.08, Stats. and Wis. Adm. Code sec. N 3.05(2).

5. That from January 27, 1992, to February 7, 1992, Patient A was an inpatient at Mercy Hospital in Janesville, Wisconsin for psychological treatment. During the hospitalization, she was diagnosed with: major depression; recurrent and post traumatic stress disorder; mixed personality disorder with passive dependent and borderline features.

6. That the history taken from Patient A during the January 27, 1992 hospitalization included Patient A having an extensive history of having been sexually abused by female baby-sitters and family members when she was a minor.

7. That during Patient A's January 27, 1992 hospitalization at Mercy Hospital, Patient A received psychiatric nursing services from Respondent.

8. That following her discharge from inpatient hospitalization, Patient A participated in a "partial" hospitalization program of psychological treatment at Mercy Hospital.

9. On February 11, 1992 Patient A was readmitted to Mercy Hospital for psychological treatment and remained in inpatient care until March 10, 1992.

10. That during the February 11, 1992 hospitalization Patient A was diagnosed with: major depression, recurrent; mixed personality disorder with passive dependent borderline and avoidant features. During that hospitalization Patient A received six electro-convulsive therapy treatments. During that hospitalization Patient A was still troubled by issues relating to her past sexual abuse and was questioning her sexual orientation.

11. That during Patient A's February 11, 1992 hospitalization at Mercy Hospital Patient A received psychiatric nursing services from Respondent.

12. That while Patient A was an inpatient at Mercy Hospital, Patient A and Respondent developed a personal relationship.

13. That on March 10, 1992, the day of Patient A's discharge from Mercy Hospital, Respondent and Patient A had sexual contact. That the personal and sexual relationship between Respondent and Patient A terminated in April of 1992.

#### CONCLUSIONS OF LAW

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

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

3. Respondent, by engaging in inappropriate sexual contact, with a psychiatric patient within a year after the termination of professional services, has committed misconduct as defined by Wis. Adm. Code §N7.04(11) and is subject to discipline pursuant to §441.07(d), Stats.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Shirley A. Connelly, R.N., as a registered nurse in the state of Wisconsin is hereby SUSPENDED for a period of at least two years, effective immediately.

2. That during the period Respondent's license is suspended, Respondent shall not be employed in any mental health care setting in Wisconsin and shall not provide any form of mental health services to patients or clients in the state of Wisconsin.

3. When the following terms and conditions have been met, and the Board has been so notified, the Board shall terminate the suspension as of March 9, 1998 or whatever date after March 9, 1998 that the following have been met and the Board has been so notified:

a. Respondent shall have undergone an assessment using the general model and approach set out in Chapter 32, "Assessment and Development of Rehabilitation Plans for the Therapist", of Psychotherapists' Sexual Involvement with Clients, Schoener, Milgrom, Gonsiorek, Luepker and Conroe, published by the Walk-In Counseling Center, Minneapolis, Minnesota.


b. The practitioner performing the assessment must have been approved by the Board prior to the evaluation being performed.

c. The practitioner performing the assessment must have provided an opinion that Respondent can practice with due regard for the welfare and safety of clients and the public. That opinion may be conditioned upon Respondent's participating in psychotherapy to address any specific treatment goals or upon restrictions on the nature of Respondent's practice or requirements for supervision of practice by Respondent. Any such conditions recommended by the practitioner shall be imposed on Respondent's license.

4. 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 8th day of March, 1996.

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

CONNELOR/sc

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SHIRLEY A. CONNELLY, R.N.,  
RESPONDENT.

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:  
STIPULATION  
95 NUR 056  
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It is hereby stipulated and agreed, by and between , Respondent; James G. Allison of Whyte Hirschboeck Dudek S.C., attorneys for Respondent; and, John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:


1. On August 17, 1995, a disciplinary complaint was filed in this matter.
2. The parties agree that this stipulated resolution may be presented directly to the Board of Nursing and need not be presented to the Administrative Law Judge appointed in this matter.
3. This stipulation is entered into as a result of a pending investigation of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Board of Nursing (file 95 NUR 056).
4. Respondent understands that by the signing of this stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: 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; 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, and the Wisconsin Administrative Code.
5. Respondent is aware of her right to seek legal representation prior to signing this stipulation, and has done so.
6. Respondent denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the 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.

7. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.


8. The parties to this stipulation agree that the Respondent, Respondent's attorney, the member of the Board appointed as the investigative advisor in this matter, and an attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

9. Attached to this stipulation is the current licensure card of Respondent. If the Board accepts the stipulation, Respondent's license shall be reissued at the time the suspension is terminated in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this stipulation, Respondent's license shall be returned to the Respondent with a notice of the Board's decision not to accept the stipulation.


Dated this 5 day of February, 1996.

  
Shirley A. Connelly, R.N.  
Respondent

Dated this 8<sup>th</sup> day of February, 1996.

  
James G. Allison  
Whyte Hirschboeck Dudek S.C.  
Attorneys for Respondent

Dated this 30<sup>th</sup> day of January, 1996.

  
John R. Zwieg  
Attorney for Complainant  
Department of Regulation & Licensing  
Division of Enforcement

CONNELST/se

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

March 11, 1996

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)