

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : |                          |
| PROCEEDINGS AGAINST               | : |                          |
|                                   | : | FINAL DECISION AND ORDER |
| SHIELA E. NOVIN, RN,              | : | 96 NUR 031               |
| RESPONDENT                        | : |                          |

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

Shiela E. Novin, RN  
6828 Obikoba Circle  
Mequon, WI 53092

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. 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. Shiela E. Novin (D.O.B. 03/02/61) is duly licensed in the state of Wisconsin as a registered nurse in the state of Wisconsin (license #95261). This license was first granted on August 22, 1986.

2. Ms. Novin's latest address on file with the Department of Regulation and Licensing is 6828 Obikoba Circle, Mequon, WI 53092.

3. On or about June 21, 1996, Ms. Novin was found guilty by jury verdict to violations of secs. 943.39 (1) [fraudulent writing], and 49.49(1)(a)(b) [Billing services not rendered; false statement in request for payment], Stats. True and correct copies of the criminal

complaint and judgment of conviction in this matter are attached to this Order as Exhibit A. For the purposes of this Order, Exhibit A accurately reflects the facts and circumstances surrounding Ms. Novin's conviction, and the Exhibit is incorporated by reference into this Order.

4. In resolution of this matter, Ms. Novin consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

By the conduct described above, Shiela E. Novin is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(d), and Wis. Adm. Code §7.04(1), (13) and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Shiela E. Novin shall be LIMITED as follows:

1. Within six (6) months of the effective date of this Order, Ms. Novin shall submit documentation acceptable to the Board of successful completion of at least eight (8) hours of continuing education acceptable to the Board in the areas of legal aspects of nursing and nursing ethics, or in other areas acceptable to the Board. Course work shall be pre-approved by the Department Monitor.\* Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Novin verifying that she attended the course in its entirety. [\*Ms. Novin may submit for approval course work already taken in 1997 in anticipation of this action.]
2. Within eighteen months of the date of this Order, Ms. Novin shall submit documentation acceptable to the Board of successful completion of at least one hundred (100) hours of community service acceptable to the Board. Community Service shall be pre-approved by the Department Monitor; approval shall be granted only in settings where a system acceptable to the Board exists for verification of hours worked and services provided. . Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Novin verifying that she performed the community service hours in their entirety. Community service performed as a condition of Ms. Novin's conviction shall be eligible for consideration for approval under this paragraph.

#### **SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS**

##### **Disclosure**

3. Respondent shall provide any current or prospective nursing employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which the Order is in effect.

### **Required reporting**

4. Respondent shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change. In addition, respondent shall submit documentation to the Department Monitor showing respondent's timely compliance with the terms and conditions of her conviction, including payment of all fines and restitution.
5. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. An employer shall report **immediately** to the Department Monitor any violation or suspected violation of the Board of Nursing's Final Decision and Order.
6. Respondent shall comply with all terms of probation and/or parole imposed upon her, and make arrangements with her probation/parole officer to notify the Department Monitor **immediately** of any violation of probation/parole terms. Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to her probation and parole records.

### **Practice restrictions**

7. Until such time as approved by the Board, Respondent shall work only in settings where she has a system of supervision acceptable to the Board that includes independent verification of hours worked and services provided..

### **Petition for Modification of restrictions**

8. At any time after one year from the effective date of this Order in which Respondent has maintained complete and continuous compliance with the terms and conditions imposed upon her, Respondent may petition the Board to revise or eliminate any of the above conditions. The Board of Nursing may in its discretion require that Ms. Novin personally appear before the Board in conjunction with a petition under this paragraph to answer any questions the Board may have concerning her rehabilitation. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

### **Department monitor**

9. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor  
Department of Regulation Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-7139

### SUMMARY SUSPENSION

10. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

### EFFECTIVE DATE OF ORDER

This Order shall become effective upon the date of its signing.

### BOARD OF NURSING

By:  On behalf of the Board  
Date 1 May 97

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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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|                                  |   |             |
|----------------------------------|---|-------------|
| IN THE MATTER OF                 | : |             |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
| SHIELA E. NOVIN, RN,             | : | 96 NUR 031  |
| RESPONDENT                       | : |             |

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It is hereby stipulated between Shiela E. Novin, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into in resolution of the pending disciplinary proceedings against the license of Ms. Novin. This stipulation shall be submitted directly to the Board of Nursing for its approval and adoption.

2. Ms. Novin understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Novin is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

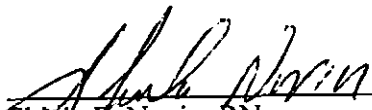
4. Ms. Novin agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any 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 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.

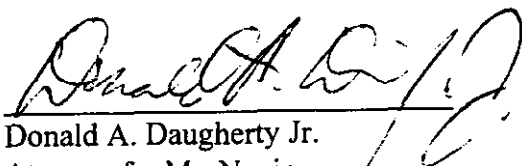
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this

investigation 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.

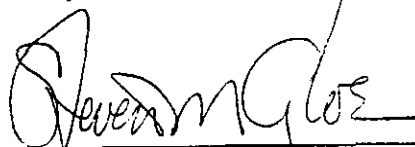
7. The Division of Enforcement joins Ms. Novin in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Sheila E. Novin, RN

4/14/97  
Date

  
Donald A. Daugherty Jr.  
Attorney for Ms. Novin

4/14/97  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

4.16.97  
Date

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Sheila E. Novin, RN,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On May 2, 1997, I served the Final Decision and Order dated May 1, 1997, LS9703031NUR, upon the Respondent Sheila E. Novin's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 197.

Donald A. Daugherty, Jr., Attorney  
100 E. Wisconsin Avenue, Suite 3300  
Milwaukee WI 53202-4108

  
\_\_\_\_\_  
Kate Rotenberg

Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 2nd day of May, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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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:

May 2, 1997

### 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.)