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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

PAMELA J. DAVISON, R.N.,

FINAL DECISION AND ORDER

RESPONDENT

LS0110045NUR

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

Pamela J. Davison, R.N.

N7696 Cardinal Drive

Portage, WI 53901

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:

FINDINGS OF FACT

1. Pamela J. Davison, R.N., Respondent, date of birth October 29, 1952, is licensed by the Wisconsin Board of Nursing as a registered nurse in the State of Wisconsin pursuant to license number 97568, which was first granted September 4, 1987.
2. Respondent's last address reported to the Department of Regulation and Licensing is N7696 Cardinal Drive, Portage, WI 53901.
3. From January 1991 until her resignation in May 2000, Respondent was employed by the State of Wisconsin Department of Corrections (DOC) as a registered nurse in the Health Services Unit (HSU) at the Columbia Correctional Institution (CCI), a maximum security prison, in Portage, Wisconsin.
4. During the time Respondent was employed at DOC, Respondent was aware of the DOC's policy and work rule known as "Executive Directive 16: Fraternalization Policy". It is a policy and work rule that prohibits employee's fraternization with inmates as well as relationships with an individual who resides in the household or previous household of an inmate. The purpose of the policy and rule is to provide security for inmates and staff at the institutions.
5. In addition to providing other nursing services to inmates at CCI, Respondent also conducted a diabetic

educational group and was in charge of providing care to all of the diabetic inmates. Respondent was also in charge of the annual flu vaccination program, the monthly Hepatitis B education and vaccination programs, and held health and hygiene classes for inmates.

6. During the time of her employment at CCI, Respondent provided nursing services in the HSU to Inmate A (DOB: 5/12/61), a male inmate incarcerated at CCI. Inmate A had severe asthma and had been seen in the HSU numerous times for that condition. Inmate A was incarcerated at CCI following his convictions in 1993 and 1994 of: first degree sexual assault of a child and first degree sexual assault. Respondent did not know Inmate A prior to his incarceration at CCI.

7. Medical records indicate that Respondent treated Inmate A on the following dates:

7/18/95	2/20/98
8/20/96	10/13/98
1/21/97	8/12/99
1/2/98	10/21/99

8. Respondent also completed and signed HSU medical restriction forms and HSU permission slips for Inmate A. The HSU permission slips were completed when Inmate A was provided with special medical or other supplies which he was allowed to take back to his cell. Medical records show that Respondent completed and signed these forms on the following dates:

11/19/96	3/6/98
4/24/96	9/1/98
10/3/97	1/12/00

9. Beginning approximately in late 1998, Inmate A worked as a janitor in the HSU. A short time later, Inmate A began working as the HSU clerk, in addition to his janitorial duties. As part of his clerk job, Inmate A frequently assisted Respondent in copying and preparing information packets for the various groups she conducted.

COUNT I (VIOLATION OF MINIMUM STANDARDS)

10. While working in close proximity to each other in the HSU, Respondent and Inmate A established a personal relationship, which was prohibited under the fraternization policy.

11. From approximately January 1999 to December 1999, Respondent and Inmate A surreptitiously exchanged the following items in CCI:

- a. Respondent and Inmate A gave each other poetry which each had written for the other.
- b. Inmate A gave Respondent three jazz cassette tapes and a card with a picture of himself, which Respondent accepted.
- c. Respondent gave Inmate A greeting cards, a candy bar and a book entitled "In the Meantime."

12. Respondent and Inmate A tried to avoid having DOC become aware of their relationship. Included among the things they did were:

- a. In a letter signed "Your Joy Forever," Respondent told Inmate A she was thinking of a way they could communicate better and suggested that Inmate A call her on her cell phone.
- b. In another letter, Respondent encouraged Inmate A to call her when he was in court so they could talk freely without fear of being overheard.
- c. Respondent asked Inmate A to destroy the letters she wrote to him, but he retained them because Inmate A did not fully trust Respondent.

13. On December 13, 1999, while he was in the Milwaukee Detention Center, Inmate A placed collect calls to Respondent at her home telephone number, which Respondent accepted. Records show three calls were uncompleted and two calls were completed. The first completed call lasted 16 minutes, 33 seconds and the second completed call lasted 6 minutes, 33 seconds.

14. The telephone conversations were tape recorded and the content of the telephone conversations clearly indicated that Respondent was having a relationship with Inmate A, in violation of DOC rules. The content of the calls indicated the following:

- o Respondent had requested Inmate A to call her at her home.
- o Respondent had provided Inmate A with her home telephone number.
- o Respondent knew she was speaking to Inmate A because she referred to him by his first name.
- o Respondent expressed a concern about the telephone call being recorded.
- o Respondent and Inmate A spoke about their relationship ending.
- o Respondent stated that she never "cheated" on Inmate A while they were together and it was important for Inmate A to know this.
- o Respondent had written and given letters and cards to Inmate A.
- o Respondent had received personal written correspondence from Inmate A.

15. It is below the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public for a registered nurse employed in a corrections setting to engage in the conduct set out in Findings of Fact 10 through 14.

COUNT II (SEXUAL BEHAVIOR AND SEXUAL CONTACT)

16. Respondent found Inmate A to be articulate and easy to talk to. Respondent knew that Inmate A played bass guitar in the CCI band and frequently talked to him about his music and other common interests. Conversations between Respondent and Inmate A became more personal and flirtatious, including sexual innuendoes. Respondent and Inmate A began to express their mutual attraction to each other.

17. As time went on, Respondent made Inmate A aware of her interest in him by rubbing up against him and telling him how good he looked to her. Respondent told Inmate A that she wished she could take him home with her and insinuated things they could do to each other. On one occasion, Respondent told Inmate A "all you need is a hot piece of ass."

18. In approximately January 1999, Respondent approached Inmate A while he was cleaning a room in the HSU and asked him if he was ready to "cross the line." Respondent asked Inmate A to come into another room with her and when he did so, she kissed him on the lips. Respondent then left work for the day.

19. The next morning, Inmate A kissed Respondent again and they continued to kiss and hug each other every day after that. Respondent and Inmate A became frustrated with just hugging and kissing and wanted more from each other.

20. Approximately two weeks later, Respondent told Inmate A that she wanted his hands "all over her breasts" and to feel his tongue on her nipples. Respondent knew when they would be alone in the HSU and instructed Inmate A to put some chemicals for the x-ray machine in the chemical room. Inmate A picked up the chemicals and went with Respondent to put them away.

21. Respondent opened the door, went inside and looked around, and then came back to Inmate A who was standing in the doorway. Respondent and Inmate A began kissing and hugging each other. Respondent told Inmate A to move over behind the door so that no one could see them.

22. Respondent and Inmate A began kissing again. Respondent then exposed one of her breasts and pulled her pants open. Inmate A held and orally stimulated Respondent's breast. Inmate A did not place his hands inside Respondent's pants, stating they didn't have time for that. Inmate A then went back to his cell and Respondent went home for the evening.

23. From approximately January 1999 to December 1999, Respondent and Inmate A frequently passed correspondence to one another in the institution. The letters Respondent wrote to Inmate A were computer generated and although they did not contain handwritten signatures, several were type signed with the name "Joy" which is Respondent's middle name.

24. In the letters, Respondent and Inmate A professed their love for each other and, among other things, wrote about the feelings they were unable to express to each other when they were working together in the HSU. Respondent often wrote about her fantasy of their life together after Inmate A would be released from prison.

25. Some of Respondent's letters to Inmate A also included sexual references and described sexual fantasies involving Respondent and Inmate A. In one letter, Respondent described to Inmate A in graphic detail her erotic fantasy of them performing oral sex on each other and engaging in sexual intercourse on the day he is released from prison.

26. In other letters, Respondent wrote:

- a. "Every time I see you, you look so good to me – how can anyone look so good all the time – you

have an inner glow that shines through – like that one person said to you – you have an aura – has anyone else noticed it? I am never going to be able to keep my hands off you do you know that. We will probably go to bed by six o'clock every night. You make me sooo hot [Inmate A]."

b. "Oh!!!! To be together with you will be such ecstasy (sic). I get so hot just thinking about us and the chemistry between us."

c. "My Beloved [Inmate A]----if only we could be together---if only for one night----then you would know how deep my feelings are for you. I can only imagine us loving one another totally---no holding back. It makes me shiver to think of it. I have never desired a man so much as I do you Honey. It drives me crazy. . ."

d. "Hi Lover, My God [Inmate A] you have awakened my senses beyond belief. How could such a brief encounter be so beautiful. I feel alive again. The electricity between our two bodies---the bodies of two very very sensuous people is so hard to contain. We are going to be so good together. . .When you said you want to love me like no other man has ever loved me-I know you will baby. I want you to drive it in me like I have never experienced anything like it before. I yearn for your kisses---so deep so hard yet so very tender and loving. The stroke of your dick driving me crazy-I can feel you inside of me now babe. Your gentle touch, stroking my body, devouring every inch of me taking in every detail with your eyes and your tongue. Your tongue tasting every corner of my mouth, outlining my breasts, and finally licking my sweet hot pussy. . .I will be having a very wet weekend fantasizing about my man. You have a very hard weekend fatasizing (sic) about your queen. . ."

e. "I can only imagine what it will be like when we make love for the very first time. Why do you think I might get up and run away from the bed? Is it because you are **so large** that it may scare me-**no way babe!** You asked if I get real wet when I cum. Very much so-in fact there is always quite a wet spot under me. FYI-the 22 orgasms were not in my younger days. This happened maybe only about 1-1½ years ago. It seems I get better the older I get. . ."

f. "When we are finally able to be together I can see us staying up half the night just talking and getting into each other's mind, laughing together and planning our future dreams. The other half will be spent literally driving each other into oblivion sexually. That makes me so wet! You do that to me Baby and only you Baby. . ."

27. Until approximately December 5, 1999, when Inmate A broke off the relationship, Respondent and Inmate A engaged in sexual contact within the prison on several other occasions. The following are some of those contacts:

a. On occasion, when Inmate would walk past Respondent in the HSU, Respondent would run her finger up the crack of Inmate A's buttocks.

b. In the storage room near Inmate A's desk, Respondent punctured a jug of distilled water to cause a spill on the floor so Inmate A would have an excuse to be in the room. Inmate A brought a mop to the room in order to clean up the spill. Respondent and Inmate A then hugged, "tongue kissed" and rubbed each other intimately through their clothing.

c. In a back pantry, Respondent and Inmate A hugged and kissed passionately and Respondent performed oral sex on Inmate A.

d. On at least one occasion, Inmate A fondled Respondent's genitals.

e. Respondent and Inmate A were kissing near the Xerox machine in the HSU when another nurse approached and saw them kissing.

28. On April 24, 2000, Inmate A told one of the CCI employees working in HSU that he had been having a personal relationship with Respondent. On the same date, during an investigative interview, Inmate A admitted to DOC officials the details of his personal and sexual relationship with Respondent.

29. DOC officials searched Inmate A's cell and found the letters Respondent had written to him, as Inmate A had reported. Following further investigation, records established that Inmate A was in the Milwaukee County Detention Center on December 13, 1999 and that he completed two collect calls to a telephone number which was confirmed to be Respondent's home telephone number.

30. On the afternoon of April 25, 2000, Respondent met with her supervisor and the CCI Human Resources Director and was informed that she was being investigated based on allegations that she violated the DOC Fraternalization Policy. Respondent was suspended from her employment, pending completion of the investigation.

31. A few days later, an investigative interview was held during which Respondent denied all allegations that she had engaged in the conduct set out above. During the interview, Respondent was confronted with the

documentation DOC officials obtained regarding the two collect telephone calls she accepted on December 13, 1999. Although she stated that she couldn't recall the date, Respondent admitted to accepting two collect calls but that the connections were so bad, she wasn't able to hear the caller. Respondent tried to claim that she thought Inmate A was a relative of hers.

32. Respondent was informed that the telephone calls had been tape recorded and that DOC officials would be reviewing the content of the tapes. Respondent was also informed that DOC officials would want to meet with her again if the information she provided was inconsistent with what the evidence showed.

33. A short time after her investigative interview, Respondent signed an agreement with DOC resigning her position at CCI.

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 engaging in the conduct set out in Count I, violated the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public, and has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(intro) and is subject to discipline pursuant to § 441.07(1)(d), Stats.
4. Respondent, by engaging in inappropriate sexual behavior and sexual contact with a patient, as set out in Count II, has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04 (11) and is subject to discipline pursuant to § 441.07(1)(d), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Pamela J. Davison as a registered nurse in the state of Wisconsin is hereby SUSPENDED for a period of at least THREE (3) years, effective immediately.
2. The suspension of Respondent's license shall end after the three year period, upon Respondent providing proof sufficient to the Board that:
 - a. Subsequent to the date of this Order, Respondent has taken and completed a one day educational program addressing appropriateness of boundaries between health care professionals and their patients or clients. Respondent shall provide information about the program to the Board, or its designee, and receive approval from the Board, or its designee, that the program meets the requirement of this paragraph.
 - b. Respondent has, at her own expense, undergone an assessment by a mental health care practitioner or practitioners with experience in assessing health care practitioners who have become involved sexually with patients.
 - i. The practitioner or practitioners performing the assessment must have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the assessment being performed.
 - ii. The Division of Enforcement shall provide the assessor(s) and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment. Respondent may provide the assessor(s) with any information Respondent believes will be of assistance in performing the assessment.
 - iii. Respondent shall authorize the evaluator(s) to provide the Board, or its designee, with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor(s).
 - c. The assessor(s) rendered opinions to a reasonable degree of professional certainty that Respondent can practice with reasonable skill and safety to patients and public.
3. If Respondent has complied with the requirements for the termination of the suspension, the Board may limit Respondent's license in any manner necessary to address issues raised by the facts of this case or by the assessment, including, but not limited to:
 - a. Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific

treatment goals, with periodic reports to the Board by the therapist.

b. Additional professional education in any identified areas of deficiency.

c. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

4. If Respondent believes that any refusal to end the suspension or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 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. Any request for approval of educational programs or assessors and evidence of compliance with the requirements to terminate the suspension shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

6. 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 4 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 4th day of October, 2001.

Ann Brewer, R.N.

Chair

Board of Nursing