

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST

INTERIM ORDER

JOHN E. WEYKER, R.N.,  
RESPONDENT.

LS 0606292 NUR

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Division of Enforcement Case No. 06 NUR 222

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

John E. Weyker, R.N.  
2106 Sylvan Way #6  
West Bend, WI 53095

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

A Notice of Hearing and Complaint were filed in this matter on June 29, 2006. The parties in this matter agree to the terms and conditions of the attached Stipulation and Interim Order until a Final Decision and Order is entered on the Complaint, 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. John E. Weyker, R.N., Respondent, date of birth December 14, 1961, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license #30-154888. This license was granted on June 5, 2006.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2106 Sylvan Way #6, West Bend, WI 53095.
3. At all times relevant to this action, Respondent was working as a nurse technician, under the direct supervision of a

registered nurse at Synergy Health, St. Joseph's Hospital in West Bend, Wisconsin.

4. On June 29, 2006, a Notice of Hearing and Complaint were filed in this matter. A copy of the Notice of Hearing and Complaint are attached as Exhibit A.

5. A criminal complaint involving the Respondent and the same set of facts as contained in Exhibit A was filed in Washington County, Wisconsin, on June 15, 2006.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulation for an Interim Order pursuant to Wis. Stat. § 227.44(5).

#### ORDER

NOW, THEREFORE, IT IS ORDERED that Respondent's license to practice nursing in the State of Wisconsin is indefinitely suspended effective the date of this order.

IT IS FURTHER ORDERED that the suspension shall continue until the entry of a Final Decision and Order on the Notice of Hearing and Complaint filed in this matter.

IT IS FURTHER ORDERED that, for the duration of this Interim Order, the Respondent shall not work in any capacity as a caregiver as defined in Wis. Stat. § 50.065(1)(ag)1, or in any other capacity in which there may be contact with health care patients or mental health clients.

BOARD OF NURSING

By: Marilyn Kauffman  
A Member of the Board

7/13/06  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	NOTICE OF HEARING
	:	
JOHN E. WEYKER, R.N.,	:	LS0606292NUR
RESPONDENT.	:	

Division of Enforcement Case File No. 06 NUR 222

TO: John E. Weyker, R.N.  
2106 Sylvan Way #6  
West Bend, WI 53095

You are hereby notified that disciplinary proceedings have been commenced against you before the Board of Nursing. The Complaint, which is attached to this Notice, states the nature and basis of the proceeding. This proceeding may result in disciplinary action taken against you by the Board. This proceeding is a class 2 proceeding as defined in § 227.01(3)(b) of the Wisconsin Statutes.

Within 20 days from the date of service of the Complaint, you must file a written Answer to the allegations of the Complaint. The Answer shall follow the general rules of pleading contained in Wis. Admin. Code § RL 2.09 and shall be filed as required by Wis. Admin. Code § RL 2.08(2). You may have an attorney help or represent you. If you do not provide a proper Answer within 20 days, you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence and the Board of Nursing may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing.

The original of your Answer should be filed with the Administrative Law Judge who has been designated to preside over this matter pursuant to Wis. Admin. Code § RL 2.10, who is:

**Jacquelynn B. Rothstein**  
**Department of Regulation and Licensing**  
**Office of Legal Counsel**  
**PO Box 8935**  
**Madison, Wisconsin 53708**

You should also file a copy of your Answer with the complainant's attorney, who is:

**Jeanette Lytle, Attorney for Complainant**  
**Department of Regulation and Licensing**  
**Division of Enforcement**  
**PO Box 8935**  
**Madison, WI 53708-8935**

A hearing on the matters contained in the Complaint will be held at the time and location indicated below:

**Hearing Date, Time and Location**

<b>Date:</b>	<b>to be determined</b>
<b>Time:</b>	<b>to be determined</b>
<b>Location:</b>	<b>to be determined</b>
	<b>1400 East Washington Avenue</b>
	<b>Madison, Wisconsin</b>

or as soon thereafter as the matter may be heard. The questions to be determined at this hearing are whether the license previously issued to you should be revoked or suspended, whether such license should be limited, whether you should be reprimanded, whether, if authorized by law, a forfeiture should be imposed, or whether any other discipline should be imposed on

you. You may be represented by an attorney at the hearing. The legal authority and procedures under which the hearing is to be held is set forth in Wis. Stats. §§ 227.44, 440.03 and 441.10(3)(a) and Wis. Admin. Code ch. RL 2.

If you do not appear for hearing at the time and location set forth above, you will be found to be in default, and a default judgment may be entered against you on the basis of the complaint and other evidence and the Board may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice of hearing.

If you choose to be represented by an attorney in this proceeding, the attorney is requested to promptly file a Notice of Appearance after he or she has been retained by you with the disciplinary authority, the Administrative Law Judge and the Complainant's attorney.

Dated at Madison, Wisconsin this 29<sup>th</sup> day of June 2006.

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Jeanette Lytle, Attorney for Complainant  
Wisconsin State Bar #1023091  
Department of Regulation and Licensing  
Division of Enforcement  
Tel: (608) 266-9840

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	COMPLAINT
JOHN E. WEYKER, R.N.	:	LS# _____
RESPONDENT.	:	

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Division of Enforcement Case # 06 NUR 222

The Division of Enforcement, upon information and belief, alleges:

1. John E. Weyker, R.N., (DOB 12/14/1961) applied for a license to practice as a registered nurse in Wisconsin on or about May 17, 2006. He was issued a temporary license to practice as a registered nurse in the state of Wisconsin (license #30-154888) on June 5, 2006. His temporary license is due to expire on September 3, 2006.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2106 Sylvan Way, #6, West Bend, Wisconsin, 53095.

3. At all times relevant to this action, Respondent was working as a nurse technician, under the direct supervision of a registered nurse, at Synergy Health; St. Joseph's Hospital in West Bend, Wisconsin.

4. On or about June 4, 2006, Respondent was working in the emergency room of St. Joseph's Hospital. Patient K.L.L. came to the emergency room that day after being involved in a motorcycle accident and injuring her leg. Respondent attended to her while she was being treated in the emergency room.

5. Respondent was aware that patient K.L.L. was under the influence of alcohol at the time of the incident, he believed her blood alcohol level was .24, and he knew that K.L.L. had been given morphine for pain.

6. K.L.L. states that while Respondent was alone with her in the examining room, while she was being undressed and prepared for surgery, Respondent touched and rubbed her clitoris with his finger for approximately thirty seconds, approximately two separate times. He also licked K.L.L.'s clitoris with his tongue. At one point, Respondent exposed his penis and testicles, stating that he had large testicles and asking K.L.L. to "suck his cock."

7. Respondent admitted to law enforcement officers that he had treated K.L.L. at St. Joseph's Hospital on June 4, 2006, and that he had flirted with her and made sexual comments that led to sexual contact between them. He admitted that he exposed his penis to her, that she showed him her nipples, that he licked her vagina with his tongue, and that he French kissed her. He admitted that the sexual contact was for personal thrill and not medical treatment. He admitted that K.L.L. never touched his body.

8. Respondent claimed that the contact was consensual. K.L.L. states that she did not give Respondent permission to have sexual contact with her and that she was "out of it" at the time that he touched her.

9. A criminal complaint containing these allegations was approved for filing by the Washington County District Attorney on June 15, 2006.

COUNT ONE: VIOLATION OF WIS. ADMIN. CODE § N 7.04(11)

10. Complainant realleges and incorporates by reference the allegations contained in paragraphs 1 through 9 above.

11. By engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient, Respondent violated Wis. Admin. Code § N 7.04(11) and thereby is subject to discipline pursuant to Wis. Stat. §§ 441.07(1)(d).

COUNT TWO: VIOLATION OF WIS. ADMIN. CODE § N 7.04(4)

12. Complainant realleges and incorporates by reference the allegations contained in paragraphs 1 through 9 above.

13. By abusing a patient by an act of harassment or mental pressure which reasonably could cause physical pain or injury or mental anguish or fear, Respondent violated Wis. Admin. Code § N 7.04(4) and thereby is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

COUNT THREE: VIOLATION OF WIS. ADMIN. CODE § N 7.04(1)

14. Complainant realleges and incorporates by reference the allegations contained in paragraphs 1 through 9 above.

15. By violating a law substantially related to the practice of professional or practical nursing, Respondent violated Wis. Admin. Code § N 7.04(1) and thereby is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

WHEREFORE, Complainant requests that the Board of Nursing hear evidence relevant to the matters recited herein, and determine and impose discipline. Complainant further requests that the Board assess against the respondent all costs of the proceeding and order them paid to the Department of Regulation and Licensing, pursuant to Wis. Stat. § 440.22.

Dated this \_\_\_\_ day of June, 2006.

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Jeanette Lytle (#1023091)  
Attorney  
Division of Enforcement  
Department of Regulation and Licensing  
1400 E. Washington Ave.  
Madison, WI 53704  
(608) 266-9840