

# 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 :  
 :  
 : FINAL DECISION AND ORDER  
 WILLIAM F. HARMS, R.N., :  
 RESPONDENT. : LS0812044NUR  
 :

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[Division of Enforcement Case # 08 NUR 260]

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

William F. Harms, R.N.  
1015 14<sup>th</sup> Avenue W  
Ashland, WI 54806

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

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. William F. Harms, R.N., Respondent, date of birth April 28, 1956, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 147382, which was first granted June 24, 2004.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1015 14<sup>th</sup> Avenue W, Ashland, WI 54806. The Division of Enforcement has determined that Respondent is currently in the Ashland County Jail, 220 6<sup>th</sup> Street E, Ashland, WI 54806.

3. On September 20, 2007, Respondent was charged in Ashland County Wisconsin Circuit Court case number 2007CF000119 with 25 counts of violating Wis. Stat. § 948.12(1m) [Possession of Child Pornography], a class D felony. The charges were based on images law enforcement personnel found on Respondent's home computer when they executed a search warrant.

4. On July 30, 2008, Respondent pled no contest and was found guilty and convicted of three (3) counts of Possession of Child Pornography. Counts 4-25 were dismissed, but read into the record to be considered in sentencing. On October 23, 2008, Respondent was sentenced to six (6) years in state prison to be followed by nine (9) years of extended supervision with conditions:

a. Respondent must participate in the Sex Offender Treatment Program and attend all scheduled appointments with treatment providers.

- b. Respondent shall have no unsupervised contact with anyone under the age of 18 years old.
- c. Respondent shall provide a DNA specimen.
- d. Respondent is prohibited from possessing a computer with internet access, but may have access to a computer through any employment, if approved by Respondent's employment and by the Department of Corrections.

5. Wis. Stat. § 948.12(1m), Possession of Child Pornography, is a crime substantially related to practice under a nursing license

#### 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 stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having been convicted of possession of child pornography, has violated a law substantially related to practice under his license, and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

1. The SURRENDER by William F. Harms, R.N., of his license as a registered nurse in the state of Wisconsin is hereby ACCEPTED.

2. Respondent shall not have multistate licensure privileges, pursuant to the Nurse Licensure Compact, to practice in Wisconsin under any "home state" license.

3. If Respondent ever makes application to the Board for any license:

a. Whether to grant a license and whether to impose any limitations or restrictions on any license that may be granted shall be in the discretion of the Board.

b. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$300.00 pursuant to Wis. Stat. § 440.22(2).

4. Payment of costs shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone: (608) 267-3817  
Fax: (608) 266-2264

5. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

12/4/08  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
WILLIAM F. HARMS, R.N., : LS \_\_\_\_\_ NUR  
RESPONDENT. :

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[Division of Enforcement Case # 08 NUR 260]

It is hereby stipulated and agreed, by and between William F. Harms, R.N., Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent 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.

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. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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William F. Harms, R.N.  
Respondent  
1015 14<sup>th</sup> Avenue W  
Ashland, WI 54806.

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Date

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John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date