

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF THE PETITION FOR	:	
REINSTATEMENT OF	:	FINAL DECISION AND
	:	SPECIAL ORDER
SHEILA E. NOVIN,	:	(ADMINISTRATIVE INJUNCTION)
RESPONDENT.	:	ORDER 0000269

DIVISION OF ENFORCEMENT CASES 09 UNL 36/95

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

Sheila E. Novin
11117 N. Range Line Rd.
Mequon, WI 53092-4948

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

PROCEDURAL HISTORY

A formal Petition has been filed in this matter. 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 Department. The Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department of Regulation & Licensing adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Sheila E. Novin, (d.o.b. 3/2/61) resides at 11117 N. Range Line Rd., Mequon, WI 53092-4948, and was formerly a professional nurse licensed in the State of Wisconsin (license # 95261), from 8/22/86 through 4/24/06, when her license was revoked by Order of the Board of Nursing in file 03 NUR 131. She does not hold any other license from any credentialing authority attached to the Department of Regulation & Licensing, or from the Department itself.

2. Some time in 2008, Respondent became employed by a licensed professional nurse providing services to clients which consist of traveling to various senior centers in the greater Milwaukee area and providing "foot assessments" which include cleansing of the feet, trimming toenails, exfoliating the skin including callus reduction, providing foot self-care advice, and referral when indicated. When Respondent first began doing this, she disclosed her revocation to her employer, and worked as an employee of the licensed nurse, who was in a position to review her work and who was responsible for the services provided.

3. In 2009, Respondent's employer developed a health problem and wished to move to central Wisconsin; Respondent then purchased the business and began to provide these services on her own, without supervision or oversight. Following two reports of Respondent's activity to the Department, investigations (09 UNL 36 and 09 UNL 95) were commenced, and a formal Petition was filed to enjoin Respondent from engaging in this foot care activity without a license, or except as otherwise permitted by law.

4. The cleansing of the feet, trimming toenails, exfoliating the skin including callus reduction, providing foot self-care advice, and referral when indicated, constitute the practice of professional nursing, when performed for compensation, under Wis. Stat. § 441.001(4)(c). The cleansing of the feet, trimming toenails, exfoliating the skin including callus reduction, providing foot self-care advice, and referral when indicated, when performed for compensation, constitute the practice of manicuring under Wis. Stat. § 454.01(13) or the practice of barbering or cosmetology under Wis. Stat. § 454.01(5)(c).

CONCLUSION OF LAW

The Department of Regulation & Licensing has authority to issue this Administrative Injunction as a special order under Wis. Stat. § 440.21, and Wis. Adm. Code ch. RL 3.

SPECIAL ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Sheila E. Novin, (d.o.b. 3/2/61) is ENJOINED AND PROHIBITED from doing any act which is permitted to be conducted only by a licensee of the Board of Nursing, the Barbering and Cosmetology Examining Board, or other credentialing authority attached to the Department, unless and until she is properly credentialed or authorized to do so.

Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation, Wis. Stat. § 440.21(4)(a).

This Order is effective on the date of its signing.

Issued at Madison, Wisconsin, this June 18th, 2010,

WISCONSIN DEPARTMENT OF REGULATION & LICENSING

By: _____

Secretary

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