

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
EDWARD C. HOLMES, L.P.N., :
RESPONDENT. : Order 0000391

[Division of Enforcement Case # 07 NUR 400]

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

Edward C. Holmes, L.P.N.
5278 N. 61st Street
Milwaukee, WI 53218

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 disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on 5/13/10. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. 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. Edward C. Holmes, L.P.N., Respondent, date of birth June 11, 1974, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 304739, which was first granted February 4, 2004.

2. Respondent's last address reported to the Department of Regulation and Licensing is 5278 N. 61st Street, Milwaukee, WI 53218. Respondent's current physical address is ASPC-PHX/Globe Unit, Inmate #236708, P.O. Box 2799, Globe, AZ 85502.

3. Wisconsin and Arizona are party states of the Nurse Licensure Compact which provides for multistate licensure privileges and allows a nurse with a license from a "home state" to engage in the practice of nursing in all other party states, which are called "remote states."

4. Pursuant to the Nurse Licensure Compact, Respondent, who is not licensed in Arizona, practiced as a licensed practical nurse in that State during 2007, using his Wisconsin license.

5. Respondent was employed by Nursing Centers Inc., a Wisconsin nurse registry, and worked for Maricopa County Correctional Health Services in their jail Clinics in Phoenix, Arizona.

6. At approximately 7:00 a.m. on July 23, 2007, Respondent entered the 4th Avenue Jail, a Maricopa County facility, through the bonds and fines entrance and exchanged his driver's license for an ID badge to enter the jail facility. Respondent continued through several secured doors and was stopped by an investigator from the Sheriff's Office prior to arriving at the elevators that would take him to the medical department.

7. Respondent was escorted to a conference room where there were other investigators present. Respondent was told by the investigators that they were interested in obtaining information about inmates contacting jail employees outside of the jail facility.

8. During questioning by the investigators, Respondent told them that multiple inmates had started asking him to bring contraband to them while he was doing his rounds dispensing medication. When asked if he had ever brought contraband into the jail, Respondent initially denied doing so.

9. When confronted with information that there was no doubt he had brought contraband into the jail, Respondent eventually admitted to bringing in contraband, saying he had to get the inmates off his back. When asked where the contraband was, Respondent reached into his shirt pocket and pulled out a yellow Cortizone-10 tube which had been given to him by an inmate's mother. Respondent denied knowing what kind of contraband was in the tube.

10. Investigators opened the tube and found it contained smoking tobacco, a plastic bag containing methamphetamine, and several matches. Investigators also searched Respondent's car and found:

- a. marijuana and drug paraphernalia.
- b. a manila envelope with an inmate's name and booking number which contained 7 sulfamethoxazole/trimethoprim (antibiotic) tablets.
- c. a manila envelope with an inmate's name and booking number which contained 14 doxycycline hyclate (antibiotic) capsules.

11. On November 20, 2008, following a jury trial in Maricopa County Superior Court, Respondent was found guilty and convicted of two felony counts of promoting prison contraband. Respondent was sentenced to 4 years in prison.

12. On March 19, 2008, the Arizona State Board of Nursing issued an order revoking Respondent's privilege to practice nursing in the State of Arizona. The Board further ordered Respondent to cease and desist the practice of nursing in Arizona.

13. Respondent represents to the Board that he was threatened with physical harm, and coerced into bringing the yellow Cortizone-10 tube into the facility, and that he would not have done so but for the threats made to his physical safety. His conviction is being appealed, and if it is overturned, Respondent may petition the Board for relief from this Order.

14. Respondent has cooperated fully with the Board's investigation into this matter.

CONCLUSIONS OF LAW

A. 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).

B. Respondent, by having been convicted of violating a law under circumstances substantially related to the practice of practical nursing, has committed misconduct and unprofessional conduct, as defined by Wis. Adm. Code § N 7.04(1) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

C. Respondent, by having disciplinary action taken against his multi-state licensure privilege by the Arizona State Board of Nursing, has committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(7), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Edward C. Holmes, L.P.N., Respondent, of his license as a licensed practical nurse in the state of Wisconsin is hereby ACCEPTED, effective immediately.

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

3. Respondent may apply for reinstatement at any time; it is solely within the discretion of the Board to grant or deny any such petition, in whole or in part, or subject to any terms, conditions, and limitations. If Respondent ever makes application to the Board for any credential, limited or unlimited, Respondent shall, prior to becoming licensed, pay to the

Department of Regulation and Licensing costs of this proceeding in the amount of \$1200, 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:

Karen Auer
A Member of the Board

9-2-10
Date

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