

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
NICOLE A. WILBURN, L.P.N.,	:	
RESPONDENT.	:	ORDER 0001236

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Division of Enforcement Case No. 11NUR256

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

Nicole A. Wilburn, L.P.N.  
5501 N. 76<sup>th</sup> Street Apt 5  
Milwaukee, WI 53218

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Board of Nursing  
Department of Safety and Professional Services  
1400 East Washington Avenue  
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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nicole A. Wilburn, L.P.N., (DOB 01/22/1974) is licensed as a practical nurse in the State of Wisconsin (license no. 302048-31). This license was first granted on April 30, 1999.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 5501 N. 76<sup>th</sup> Street Apt 5, Milwaukee, WI 53218.

3. While employed as a private duty practical nurse, between April 2011 and May 2011, Respondent billed Wisconsin ForwardHealth for approximately 72 hours that she did not work.

4. Respondent has taken full responsibility for her mistake and has cooperated fully with the Department in this matter. Her agreement to this Order is evidence of her ability to take responsibility for her actions, and her commitment to practice nursing in a safe, effective, and ethical manner.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 3 above constitutes a violation of Wisconsin Administrative Code § N 7.04(13) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

IT IS ORDERED:

1. The license of Nicole A. Wilburn, L.P.N. to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** for 60 days effective the date of this order.

2. The license of Nicole A. Wilburn, L.P.N. to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **LIMITED** as follows:

- a. Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in ethics, within 90 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the board's meeting schedule. Respondent shall provide proof of completion of the continuing education to the Department Monitor.
- b. For a period of at least two (2) years from the date the suspension is lifted:
  - i. Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
  - ii. Respondent shall arrange for her nursing supervisor to review all of Respondent's billing prior to it being submitted for payment.

- iii. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment, evaluating her work performance, and evaluating her billing practices.
- iv. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.
- v. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. After two (2) years from the date the suspension is lifted, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Respondent shall, within one year of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of four hundred dollars (\$400.00), pursuant to Wis. Stat. § 440.22(2).

5. All petitions, payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

Department Monitor  
Department of Safety and Professional Services  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to timely submit payment of costs as ordered, or fails to comply with the ordered continuing education as set forth above, Respondent's license (no. 302048-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Laura Weir  
A Member of the Board

12/1/11  
Date