

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

NAKISHA R. DYSON, L.P.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001380

Division of Enforcement Case No. 11NUR498

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

Nakisha R. Dyson, L.P.N.
10942 W. Wildwood Lane #D401
West Allis, WI 53227

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. Nakisha R. Dyson, L.P.N., (DOB 07/16/1981) is licensed as a practical nurse in the State of Wisconsin (license no. 309600-31). This license was first granted on April 15, 2008.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 10942 W. Wildwood Lane #D401, West Allis, WI 53227.

3. At all times relevant, Respondent was employed as a practical nurse at Birchwood Health and Rehabilitation Center (“Birchwood”) in Milwaukee, Wisconsin.

4. In March 2011, Patient X was admitted to Birchwood with Respondent as the admitting nurse.

5. Between August 2011 and September 2011, Respondent and Patient X engaged in inappropriate contact, including calling and texting each other concerning sexual matters and kissing. No sexual intercourse or other sexual activity took place.

6. This instance is the first complaint brought against the Respondent. She has taken full responsibility for her actions and has cooperated fully with the investigation of this matter. Her stipulation to this Order is evidence of her commitment to her practice of nursing in an ethical and competent 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 above constitutes a violation of Wisconsin Administrative Code N § 7.04(11) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Suspension: The license of Nakisha R. Dyson, L.P.N., to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Multi-State Nursing Compact, is SUSPENDED for 90 days, commencing from the date of this Order.

2. Fitness To Practice: Within 90 days of the date of this Order, Respondent shall complete the following:

(a) Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in ethics; and four (4) hours of pre-approved continuing education in professional boundaries. Respondent is responsible for finding appropriate courses and submitting the course information to the Board for approval prior to taking the courses 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) Respondent shall enter into counseling with a counselor (“Counselor”) acceptable to the Board or its designee within 30 days from the date of this Order. Respondent shall participate in, cooperate with, and follow all

treatment recommended by Counselor, and meet with Counselor at a minimum of two times monthly.

- i. Respondent shall immediately provide Counselor with a copy of this Final Decision and Order and all other subsequent orders.
- ii. Counselor shall submit a written report to the Department Monitor, as directed by the Department Monitor. The report shall assess Respondent's progress in recognizing professional boundaries and her understanding of how to avoid crossing professional boundaries. Counselor shall report immediately to the Department Monitor any violation or suspected violation of this Order.
- iii. If the Counselor report does not show, to the Board's satisfaction, that Respondent is safe and fit to practice nursing, the Board may limit Respondent's license in any manner it sees fit to address the facts above and any recommendations resulting from the counseling.

3. Practice Limitations:

- (a) Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee.
- (b) Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- (c) Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
- (d) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- (e) It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations.
- (f) Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

4. After two (2) years from the date of this Order, 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.

5. 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 Fifty Dollars (\$450.00) pursuant to Wis. Stat. § 440.22(2).

6. 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

7. 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 the costs as ordered or fails to comply with the ordered continuing education as set for above, Respondent's license (no. 309600-31) may, in the discretion of the Board or its designee, be or remain SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By:


A Member of the Board

2/20/12
Date