

## 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

JERRY PERKINS, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002089  
:

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Division of Enforcement Case No. 12 NUR 215

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

Jerry Perkins, R.N.  
2326 S. 74<sup>th</sup> Street  
West Allis, WI 53219

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Enforcement  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jerry Perkins, R.N. (dob 10-31-1960) is licensed in the State of Wisconsin as a professional nurse, having license number 30-130784, first issued on September 25, 1998 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2326 S. 74<sup>th</sup> Street, West Allis, Wisconsin, 53219.

2. At all times relevant, Respondent was employed as a professional nurse at Froedtert Hospital in Milwaukee, Wisconsin.

3. In 2008, Respondent was the caregiver and had developed a close friendship to Patient A during a hospital stay. Phone numbers were exchanged between Respondent and Patient A so that he could assist with home projects for Patient A. Respondent previously called Patient A from a personal phone and left a message stating that Respondent and his wife were thinking of Patient A and how much they loved having him on Respondent's unit and missed him.

4. On February 29, 2012 Respondent contacted Patient A's spouse which was unexpected and unwelcomed. Respondent said "I bet you don't know who this is" and Patient A's spouse replied that Patient A died 3.5 year ago and they had left a message for Respondent shortly after Patient A's death. Respondent stated "oh yeah, I knew that." Respondent later stated he did not recall receiving that message in 2008 and recently called Patient A due to a dream.

5. On March 9, 2012, Respondent's employment was terminated due to three previous written warnings and this violation. Respondent is not currently working and is being treated for situational depression.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Jerry Perkins, R.N. engaged in unprofessional conduct as defined in Wis. Admin. Code. § 7.04.

3. Therefore, Jerry Perkins, R.N. is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

1. The attached Stipulation is accepted.

2. The professional nurse license issued to Jerry Perkins, R.N. (license number 30-130784) is LIMITED as follows:

a. Jerry Perkins, R.N. shall, within one year of the date of this Order, successfully complete education on the topics of Respecting Professional Boundaries (3.9 hours) and Ethics and Professionalism Nursing (3.0 hours) offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. Jerry Perkins, R.N. shall submit proof of completion in the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be

instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

3. The license issued to Respondent is further LIMITED as follow:

For a period of at least two (2) years while working at least half-time as a nurse:

- a. Respondent shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.
- b. Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health agency, assisted living, or pool position.
- c. Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance.
- d. 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.
- e. 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.
- f. Respondent must undergo a psychological evaluation/fitness to practice evaluation, at his own expense.
  - i. The evaluating psychologist/evaluator must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.
  - ii. The Division shall provide the evaluating psychologist and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent may provide the evaluating psychologist with any information Respondent believes will be of assistance in

performing the evaluation and shall immediately provide copies of that information to the Division.

- iii. Respondent shall authorize the evaluating psychologist to provide the Board, or its designee, and the Division with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluating psychologist.
- iv. If the evaluating psychologist shows, to the Board's satisfaction, that Respondent is safe to practice nursing, the Board shall lift the limitation. However, the Board may limit Respondent's license in any manner it sees fit to address the facts above and any recommendations resulting from the assessment, including but not limited to direct supervision and quarterly employer work reports.

6. Within 120 days from the date of this Order, Jerry Perkins, R.N. shall pay COSTS of this matter in the amount of \$376.00.

7. Proof of successful course completion, quarterly reports, evaluation and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

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

8. 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 Respondent fails to timely submit payment of the costs as ordered, fails to have employer submit quarterly reports, or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 30-130784) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN BOARD OF NURSING

by: Julio Nelson, RN  
A Member of the Board

10/4/12  
Date