

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

MICHAEL L. RAYMOND, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002184

Division of Legal Services and Compliance¹ Case No. 10 NUR 371

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

Michael L. Raymond, R.N.
2398 Wisconsin Street
Oshkosh, WI 54901-7812

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

Division of Legal Services and Compliance
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 Michael L. Raymond, R.N., (dob 06-14-1966) is licensed in the State of Wisconsin as a professional nurse, having license number 30-150051, first issued on February 24, 2005 and summarily suspended on November 4, 2010. Respondent requested a hearing to show cause for the continuation of the summary suspension, and the show cause hearing was held, by agreement of the parties, on November 30, 2010. After a lengthy delay in which no decision on the summary suspension show cause hearing was issued, Respondent filed a motion to terminate the summary suspension. The Board of Nursing considered the Respondent's

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

motion at its Board meeting on September 1, 2011. On September 9, 2011, the Board issued a decision upholding the summary suspension of the Respondent's nursing license.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2398 Wisconsin Street, Oshkosh, Wisconsin, 54901-7812.

3. On January 29, 2010, the Oshkosh Police Department executed a search warrant at the residence of Respondent. A laptop computer was seized and turned over to the Department of Justice, Division of Criminal Investigations (DCI), for examination. DCI recovered from the laptop approximately 3,000 photographs. Among these were five photographs that meet the definition of child pornography.

4. Respondent denies that he intentionally possessed these five images. Specifically, Respondent denies that he downloaded these five photographs, denies that he ever viewed them and denies that he was aware they were on his computer hard drive.

5. DCI additionally discovered on Respondent's hard drive photographs of a severely disabled girl, who had been a patient of Respondent's whom he cared for in his home. Some of these images displayed the girl's unclothed buttocks, breasts and vagina area. These photographs were not kept as part of the patient's medical records.

6. The girl had a documented history of skin breakdown including ulceration, redness, excoriation and bedsores. Respondent asserts that the photographs were taken for medical purposes to document the existence of these skin breakdown conditions, and to further document the possibility of neglect in connection with the daily care the child was receiving.

7. On January 10, 2011, Respondent was charged in Winnebago County, Wisconsin with two counts of Possession of Child Pornography in violation of Wis. Stat. §948.12(1m).

8. On September 18, 2012, Respondent plead no contest in Winnebago County to one count of Causing Mental Harm to Child in violation of Wis. Stat. §948.04(1), a Class F Felony.

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, Michael L. Raymond, R.N. engaged in unprofessional conduct as defined in Wis. Admin. Code § 7.04(1).

3. By the conduct described in the Findings of Fact, Michael L. Raymond, R.N. engaged in unprofessional conduct as defined in Wis. Admin. Code § 7.04(11).

4. By the conduct described in the Findings of Fact, Michael L. Raymond, R.N. violated Wisconsin Admin. Code § 7.03(1).

5. Therefore, Michael, L. Raymond, R.N. is subject to discipline pursuant to Wis. Stat. §§ 441.07(1)(c) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Michael L. Raymond, R.N., Respondent, of his professional nursing license in the State of Wisconsin is hereby accepted, effective immediately.

3. Respondent shall not petition the Board of Nursing for re-licensure for at least one (1) year from the date of this Order. After the one year period, Respondent may or may not be granted re-licensure, but may petition for re-licensure, under the following terms and conditions:

a. Respondent shall notify the Division of Legal Services and Compliance (Division) of the request and the Division shall have the opportunity to apprise the Board of all allegations and information contained in the investigative file.

b. Respondent shall meet all of the statutory and rule requirements for licensure in effect at the time of application.

c. In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of ONE THOUSAND DOLLARS (\$1,000.00) which shall be paid over a period of five (5) years pursuant to Wis. Stat. § 440.22(2).

d. In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner with experience in the diagnosis and treatment of sex offenders.

e. The practitioner performing the assessment shall not have treated Respondent and prior to the assessment being performed, must be approved by the Board or its designee, with an opportunity for the Division of Legal Services and Compliance to make its recommendation.

f. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of clients and public.

g. The Board in deciding whether to grant the petition shall consider and weigh the three objectives of professional discipline:

- Protection of the public.
- Deterrence of the licensee and other licensees.
- Rehabilitation of the licensee.

h. If the Board determines to grant Respondent's petition for re-licensure, Respondent's license shall be limited in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

1) Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

2) Additional professional education in any identified areas of deficiency.

3) Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

4. If Respondent believes that any denial of licensure or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. 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 Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN BOARD OF NURSING

By:

Julius Nelson, RN
A Member of the Board

12/6/12
Date