

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

JAMES RIANO, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002185

Division of Legal Services and Compliance¹ Case Nos. 09 NUR 304, 10 NUR 200, 11 NUR 491,
11 NUR 492, 11 NUR 493 & 11 NUR 494

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

James Riano, R.N.
W319 N1049 Balsam Lane
Delafield, WI 53018

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

PROCEDURAL HISTORY

The Notice of Hearing and Complaint were filed in this matter on March 13, 2012. Prior to the hearing on the formal complaint, the parties in this matter agreed 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 (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.

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

FINDINGS OF FACT

1. Respondent James Riano, R.N. (dob March 6, 1959) is licensed in the State of Wisconsin as a professional nurse, having license number 30-150049, first issued on January 28, 2005 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W319 N1049 Balsam Lane, Delafield, Wisconsin 53018.

2. While working as a professional nurse at a Veterans Affairs Hospital, Respondent examined and treated veterans' genitals for sexually transmitted diseases. While examining skin lesions, Respondent told a patient the skin had to be pulled tight in order to better see the skin lesions. Respondent manipulated the patient's genitals in order to increase blood flow for examination of the lesions. Respondent's examination of the patient's genitals was below minimum standards for the profession.

3. Respondent has not worked as a nurse since 2008.

4. On September 26, 2012, Charles M. Lodi, Ph.D., evaluated Respondent regarding his fitness to continue to practice as a nurse. Dr. Lodi conducted the following tests: the Millon Clinical Multiaxial Inventory-II, the Multiphasic Sex Inventory, and the Affinity Test of Sexual Interest. Dr. Lodi also combined two specific issues in his evaluation: decision-making and critical thinking/ability to handle stress. Dr. Lodi concluded "Based on his presentation, Mr. Riano does not present with any psychological disorder at this time which would compromise either of these areas of concern." Dr. Lodi also concluded that the Respondent presents no risk in returning to practice as a nurse.

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, James Riano, R.N. violated Wis. Admin. Code § N 7.03(1)(b).

3. Therefore, James Riano, R.N. is subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

1. The attached Stipulation is accepted.

2. Respondent James Riano, R.N. is REPRIMANDED.

3. The professional nursing license issued to James Riano, R.N. (license number 30-150049) is LIMITED as follows:

- a. Within 180 days of the date of this Order, Respondent, at his own expense, shall take and successfully complete a nursing refresher course. The refresher course shall include no less than 30 hours of theory and no less than 10 hours of laboratory, offered by a provider pre-approved by the Board of Nursing's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at 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.
4. Within 120 days from the date of this Order, James Riano, R.N. shall pay COSTS of this matter in the amount of Ten Thousand Nine Hundred Ninety Five Dollars (\$10,995.00).
 5. Proof of successful course completion and payment of 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. 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 30-150049) 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.
7. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by: Julie Nelson, RN
A Member of the Board

12/6/12
Date