

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	:	
	:	FINAL DECISION AND ORDER
JENNIFER A. HOWARD, R.N.,	:	
RESPONDENT.	:	ORDER 0002301

Division of Legal Services and Compliance¹ Case No. [12 NUR 156]

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

Jennifer A. Howard, R.N.
2021 Meadow Court, #2
West Bend, WI 53095

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 Wisconsin 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 Jennifer A. Howard, R.N., (dob 10/13/1984) is licensed in the State of Wisconsin as a professional nurse, having license number (30-149476), first issued on February 3, 2005, and current through February 28, 2014. Jennifer A. Howard's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2021 Meadow Court, #2, West Bend, Wisconsin.

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

2. On May 29, 2002, Respondent was convicted of Count 1, Theft-Business Setting (\leq \$2,500) Misdemeanor A, in Washington County Criminal Court (Case No. 2002CM000574).

3. At the time of the events set forth below, Respondent was employed as a registered nurse at Cedar Gardens, Cedarburg, Wisconsin.

4. From December 7, 2011 through February 1, 2012, there were reports to Cedar Garden from various patients regarding theft, including pieces of jewelry and cash. Respondent was suspected for being involved in these incidents.

5. On December 29, 2011, Respondent was taken into custody by the Cedarburg Police Department for Possession of Stolen Property for jewelry and other items found in her possession, which she was attempting to pawn for cash. During the Cedarburg Police Department's investigation, Respondent stated she found a box of jewelry outside Cedar Garden's lawn and took it. Respondent admitted pawning jewelry however, denied having stolen the items from the actual room of the patients.

6. On February 1, 2012, Respondent was terminated from her employment for tardiness and attendance issues since the accusation of stealing from patients' rooms were not yet proven.

7. On April 25, 2012, Respondent was charged with Count No. 1, Receiving Stolen Property ($>$ \$10,000), Felony G in Ozaukee County (Case No. 2012CF000082).

8. On November 19, 2012, Respondent pled guilty to the charge of Receiving Stolen Property ($>$ \$10,000), Felony G in Ozaukee County (Case No. 2012CF000082) and a judgment of conviction was entered on November 19, 2012.

9. Respondent was sentenced by the court on January 19, 2013, the terms of which included 5 years probation, 9 months of incarceration in the county jail with work and child care release, payment of restitution, court costs, supervision fees and no contact with her former employer, the victim or her family.

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(s) 5-9 above constitutes a violation of Wisconsin Administrative Code §§ 7.04(12) and 7.04(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. The attached Stipulation is accepted.
2. The license of Jennifer A. Howard, R.N., (license no. 30-149476) to practice as a professional nurse in the State of Wisconsin, and her privilege to practice pursuant to the Nurse Licensure Compact, is REVOKED.
3. Pursuant to Wis. Stat. § 441.07(2), Respondent may not petition for re-licensure earlier than one year from the date of revocation.
4. In the event that Respondent petitions for re-licensure, 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. Accordingly, the Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of clients and public; to wit:
 - a. Respondent has successfully fully completed or is in substantial compliance with the terms of her criminal sentence, including but not limited to payment of restitution, court costs and fees, work release and probation pursuant to the judgment of conviction. (Case No. 2012CF000082).
 - b. Respondent has undergone, at her own expense, an assessment to determine her fitness to practice nursing.
 - c. The provider 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.
5. 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:
 - a. 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.
 - b. Additional professional education in any identified areas of deficiency including completion of a board-approved nurse refresher course.
 - c. 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.

6. Prior to reinstatement of her nursing license, Respondent shall pay COSTS of this matter in the amount of \$600.00. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

7. 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.

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

WISCONSIN BOARD OF NURSING

by: Julie Nelson, RN
A Member of the Board

2/14/13
Date