

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

JEREMY K. WETHERALD, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:
:

0003388

Division of Legal Services and Compliance Case No. 14 NUR 137

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

Jeremy K. Wetherald, R.N.
1139 Williams Street
Lake Geneva, WI 53147

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Jeremy K. Wetherald, R.N., (dob March 24, 1982) is licensed in the State of Wisconsin as a professional nurse, having license number 190088-30, first issued on June 6, 2012 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1139 Williams Street, Lake Geneva, Wisconsin 53147.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a medical center (Center), located in Burlington, Wisconsin.

3. On July 18, 2013, Respondent met a minor in a public restroom to engage in sexual activity. Respondent pulled the minor's shorts down, exposing his penis with the intention of performing oral sex on the minor until someone walked in the restroom. Respondent and the minor had initially met on the internet.

4. Respondent admits that on other previous occasions, he had met the minor in person and had sex.

5. On February 19, 2014, Respondent was convicted of exposing genitals to a child (felony) in Walworth County circuit court in case number 2013CF376. Respondent was sentenced to one (1) year of jail time, sentence was withheld with three (3) years of probation. The conditions of probation included payment of costs; psychiatric treatment; alcohol assessment; submission of DNA samples; register as a sex offender; comply with sex offender registry for fifteen (15) years; comply with electronic monitoring as deemed necessary; no contact with the minor, his family, residence, or place of employment; and no contact with minors without prior agent approval.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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, Jeremy K. Wetherald, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1) by violating any law substantially related to the practice of professional nursing.

3. As a result of the above conduct, Jeremy K. Wetherald, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The license of Jeremy K. Wetherald, R.N., (license number 190088-30), to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** for an indefinite period of no less than two (2) years from the date of this Order.

(a) After two years from the date of this order, Respondent may petition the Board to end the suspension. Prior to the suspension being lifted, Respondent shall have, at Respondent's own expense, undergone an assessment by a therapist with experience in the diagnosis and treatment of sex offenders. The assessor must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Department to make its recommendation, prior to the assessment being performed.

(b) The Department shall provide the assessor and Respondent with those portions of the investigative file which the Department believes may be of assistance in performing the assessment. Respondent may provide the assessor with any information Respondent believes will be of assistance in performing the assessment and shall immediately provide copies of that information to the Department.

(c) Respondent shall authorize the assessor to provide the Board, or its designee, and the Department with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Department with the opportunity to discuss the assessment and findings with the assessor.

(d) The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice nursing with reasonable skill and safety of patients and public and does not suffer from any condition which prevents him from practicing in that manner. This opinion must be accompanied by the assessor's reasoning, articulated to the Board's satisfaction. If the assessor has rendered the opinion required above and supported that opinion to the Board's satisfaction, then the Board may remove the suspension.

3. The license of Jeremy K. Wetherald, (license number 190088-30), to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are INDEFINITELY LIMITED as follows:

(a) Respondent shall not practice nursing with children under the age of 18 years old;

(b) Respondent shall not practice nursing in any setting in which he would have unsupervised contact with children under the age of 18 years old;

(c) Respondent shall not practice in any home health, assisted living, agency or pool position.

4. The license of Jeremy K. Wetherald, (license number 190088-30), to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

(a) For a period of at least two (2) years from the date on which the suspension is lifted, Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor; and

(b) 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.

(c) Pursuant to 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.

(d) After two (2) years of working at least half-time as a nurse, 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. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$750.00.

6. Payment of costs and written reports shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

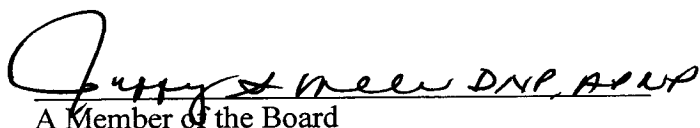
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 for a violation of any of the terms of this Order. In the event Respondent fails to timely submit written reports or payment of the costs as ordered above, Respondent's license (no. 190088-30) 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9-11-14
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEREMY K. WETHERALD, R.N.,
RESPONDENT.

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:
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:
:

STIPULATION

0003388

Division of Legal Services and Compliance Case No. 14 NUR 137

Respondent Jeremy K. Wetherald, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

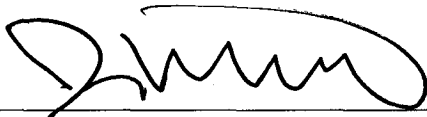
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jeremy K. Wetherhald, R.N., Respondent
1139 Williams Street
Lake Geneva, WI 53147
License no. 190088-30

7/18/14
Date



Kim M. Kluck, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

7/23/14
Date