

## 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 :  
 : FINAL DECISION AND ORDER  
STEPHANIE M. MCMILLEN, R.N., :  
RESPONDENT. :  
 : 0002532

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Division of Legal Services and Compliance Case No. 12 NUR 438

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

Stephanie M. McMillen, R.N.  
12980 100<sup>th</sup> Avenue  
Chippewa Falls, WI 54729

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

On July 15, 2013, the Board of Nursing (Board) issued an Order in which it summarily suspended Respondent Stephanie M. McMillen R.N.'s license to practice nursing in the state of Wisconsin. A formal complaint was filed on July 16, 2013. On April 4, 2014, upon Respondent's petition, and over the Division's objection, the administrative law judge stayed this matter pending the outcome of a criminal trial addressing the same conduct. The criminal matter resolved on September 30, 2016. 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. 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 Stephanie M. McMillen, R.N., DOB July 26, 1969, is licensed in the state of Wisconsin as a professional nurse, having license number 145249-30, first granted on July 2, 2003, current through February 28, 2018, and suspended as of July 15, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 12980 100th Avenue, Chippewa Falls, Wisconsin 54729.

2. On October 8, 2012, Respondent was charged in the Columbia County Circuit Court (Case No. 2012CF000458) with attempted first degree intentional homicide, stalking and obstructing an officer.

3. In the criminal matter a jury trial commenced on May 4, 2015.

4. On May 8, 2015, the court granted a mistrial.

5. Between August 15 and August 18, 2016, the court presided over a second trial.

6. On August 18, 2016, a jury deliberated and found the Respondent guilty of stalking, in violation of Wis. Stat. § 940.32(2), a felony, and obstructing an officer, in violation of Wis. Stat. § 946.41(1), a misdemeanor. The jury found Respondent not guilty of attempted first degree intentional homicide.

7. On September 30, 2016, the court withheld sentences, and placed Respondent on probation for a cumulative period of five years, with a total of one year in the county jail as a condition of probation. Additional conditions of probation are that Respondent must undergo a psychological evaluation, comply with the recommendations of the evaluator, and be actively involved in mental health treatment.

8. Respondent agrees that there is sufficient evidence to support the following Conclusions of Law and Order. 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. Under the circumstances of this case, Wis. Stat. § 940.32(2) and Wis. Stat. § 946.41(1) are laws substantially related to the practice of nursing.

3. Based on the Findings of Fact above, Respondent Stephanie M. McMillen, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(2), by violating laws substantially related to the practice of nursing.

4. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g).

ORDER

1. The attached Stipulation is accepted.
2. The summary suspension order issued on July 15, 2013, is hereby VACATED.
3. The license of Stephanie M. McMillen, R.N., (license number 145249-30), to practice as a nurse in the State of Wisconsin is SUSPENDED for an indefinite period. The suspension is retroactive to July 15, 2013.
  - a. The privilege of Stephanie M. McMillen, R.N., to practice as a nurse in the state of Wisconsin under the authority of another state's license pursuant to the Nurse Licensure Compact is also SUSPENDED for an indefinite period.
  - b. During the pendency of this Order and any subsequent related orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.
4. Respondent may petition for termination of the suspension any time after receiving a favorable recommendation as a result of a fitness to practice evaluation conducted under the following terms:
  - a. Respondent shall have, at her own expense, undergone a fitness to practice evaluation with a pre-approved psychiatrist or psychologist experienced in evaluating health care practitioners' fitness for duty:
    - i. The provider performing the evaluation must not have treated Respondent and shall have been approved by the Board or its designee, with the opportunity for the Division of Legal Services and Compliance to make its recommendation, prior to the evaluation being performed; and
    - ii. Within fifteen (15) days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with ability to practice safely and, if so, shall provide any recommended limitations for safe practice.
    - iii. Dr. Harlan R. Heinz, Ph.D., is preapproved to perform the fitness to practice evaluation.
  - b. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the health care provider performing the evaluation.

- c. If the provider is other than Dr. Harlan R. Heinz, Ph.D., the provider must not have treated Respondent and shall have been approved by the Board or its designee, with the opportunity for the Division of Legal Services and Compliance to make a recommendation, prior to the evaluation being performed.
- d. Respondent shall execute necessary documents authorizing the Division to obtain records of the evaluation, and to discuss Respondent and her case with the evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
- e. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- f. Respondent shall comply with any and all reasonable requests by the evaluator for purposes of scheduling and completing the evaluation, including additional testing the examiner deems helpful. Any lack of reasonable and timely cooperation, as determined by the examiner, may constitute a violation of an order of the Board.
- g. Respondent is responsible for timely payment of the costs of the examination. Payment shall be made directly to the evaluator.
- h. Respondent must provide proof sufficient to convince the Board that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- i. If the Board determines, in Response to the Petition referred to in paragraph 4, that Respondent is fit to practice, the Board may nonetheless limit Respondent's license 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:
  - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board by the therapist.
  - ii. Additional professional education in any identified areas of deficiency.
  - iii. 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.

- j. If the Board determines, in response to the Petition referred to in paragraph 4, that Respondent is unfit to practice, the Board may deny a petition to remove the suspension of Respondent's license until Respondent provides proof sufficient to convince the Board that Respondent is able to practice with reasonable skill and safety of patients and the public, and does not suffer from any condition which prevents Respondent from practicing in that manner. In the alternative, the Board may stay the suspension and limit Respondent's license 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.
- k. If Respondent believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board or its designee under paragraph 3c is inappropriate, Respondent may seek a Class I hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's or designee's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. The license to practice nursing issued to Stephanie M. McMillen, R.N., (license number 145249-30), is LIMITED as follows:

- a. Respondent shall abide by all rules of probation imposed as a result of the conviction in Columbia County Case No. 12-CF-0458, and shall satisfactorily complete the probationary periods.
- b. Respondent shall notify the Department Monitor in writing of any violation of the rules of probation, within 48 hours of any violation of the rules.

6. On or before May 15, 2017, Respondent shall pay COSTS of this matter in the amount of \$5,357.09.

7. Reports of probation violations, the results of the fitness to practice evaluation, and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

by: Debra Krantz  
A Member of the Board

12-8-16  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

STEPHANIE M. MCMILLEN, R.N.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0002532

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Division of Legal Services and Compliance Case No. 12 NUR 438

Respondent Stephanie M. McMillen, 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. Respondent is represented by Attorney Tamara Packard.

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 or Respondent's attorney, 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.

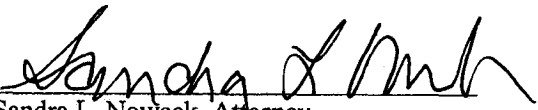
  
Stephanie M. McMillen, R.N., Respondent  
12980 100<sup>th</sup> Avenue  
Chippewa Falls, WI 54729  
License no. 145249-30

11-30-16  
Date

*Approved as to form:*

  
Tamara B. Packard, Attorney for Respondent  
Pines Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, WI 53703-2718

12/1/16  
Date

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

12/1/16  
Date