

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

RANDY J. MAGNUS, R.N.,
RESPONDENT.

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INTERIM ORDER

0004713

Division of Legal Services and Compliance Case No. 15 NUR 463

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

Randy J. Magnus, R.N.
W5720 Maple Road
Neillsville, WI 54456

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 Randy J. Magnus, R.N., (dob December 26, 1973) is licensed in the State of Wisconsin as a professional nurse, having license number 132436-30, first issued on July 6, 1999 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W5720 Maple Road, Neillsville, Wisconsin 54456.

2. On August 31, 2015, the Division of Legal Services and Compliance opened an investigation of Respondent on behalf of the Board. That investigation is based on allegations that between July 19 and July 28, 2015, Respondent sexually assaulted two female patients while

working as a nurse at a medical center in Neillsville, Wisconsin. Both patients were unable to give consent based on their medical conditions at the time.

3. On February 3, 2016, Respondent was charged with two (2) counts of second degree sexual assault of an intoxicated victim, in violation of Wis. Stat. § 940.225(2)(cm), and two (2) counts of second degree sexual assault of an unconscious victim, in violation of Wis. Stat. § 940.225(2)(d), in Clark County circuit court case number 2016CF020. All of these charges are class C felonies.

4. The Board has not made a determination as to the validity of the above allegations.

5. Respondent has voluntarily agreed not to engage in the practice of professional nursing pending final resolution of the criminal proceedings and these disciplinary proceedings.

6. Respondent voluntarily agrees to enter into this order to focus on the criminal case and understands that this case will resume after the criminal case has been resolved at a trial court level.

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).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice professional nursing in the State of Wisconsin of Respondent Randy J. Magnus, R.N., is hereby SUSPENDED, during the pendency of these disciplinary matters.

3. In the event Respondent petitions the Board of Nursing for reinstatement as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. The suspension shall continue until the Board issues a Final Decision and Order in these disciplinary matters.

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

WISCONSIN BOARD OF NURSING

by: Quynh Thien DNP, APRN
A Member of the Board

5-12-16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RANDY J. MAGNUS, R.N.,
RESPONDENT.

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STIPULATION

0004713

Division of Legal Services and Compliance Case No. 15 NUR 463

Respondent Randy J. Magnus, 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 Stacie H. Rosenzweig.

4. Respondent agrees to the adoption of the attached Interim Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Interim 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 Interim Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Interim 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 Interim Order.



Randy J. Magnus, R.N., Respondent
W5720 Maple Road
Neillsville, WI 54456
License no. 132436-30

5-4-16
Date



Stacie H. Rosenzweig, Attorney for Respondent
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202

5/4/16
Date



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

5/4/16
Date