

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

AMANDA T. PICORD, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005075

Division of Legal Services and Compliance Case No. 15 NUR 671

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

Amanda T. Picord, R.N.
614 North 115th Street
Wauwatosa, WI 53226

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 Amanda T. Picord, R.N., (dob June 5, 1985) is licensed in the State of Wisconsin as a professional nurse, having license number 170714-30, first issued on February 10, 2010 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 614 North 115th Street, Wauwatosa, Wisconsin 53226.

2. At all times relevant to this proceeding, Respondent was providing in home care to Patient J.M., in Milwaukee County.

3. Respondent provided private nursing services to J.M. from February 8, 2014 until October 4, 2014.

4. On March 18, 2015, J.M.'s mother called the Department of Health Services – Office of the Inspector General fraud hotline to report Respondent for submitting claims for reimbursement from the Medical Assistant program for services that had not been provided.

5. The Department of Justice investigated the matter and found that Respondent had billed 521 hours between April 15, 2014 and May 17, 2015 for services that had not been provided. The Respondent collected approximately \$17,031.49 in fraudulent payments.

6. Respondent accepted responsibility immediately and reimbursed the Department of Health Services the amount of \$15,658.51 and the Department of Justice the amount of \$1,372.98.

7. Respondent admitted to a Wisconsin Department of Justice investigator that she used the money to buy food. Respondent was diagnosed with an eating disorder. During the course of investigation, Respondent signed a release and the Department obtained treatment records and determined that Respondent has and continues to obtain treatment for her eating disorder.

8. On December 7, 2015, Respondent pled no contest to two counts of theft in a business setting <=\$2500, in violation of Wis. Stat. §943.20(1)(b). Respondent was sentenced to six months in jail with work release privileges. That sentence was stayed, and she was placed on probation for one year with the following conditions: a \$5,000.00 fine and all court costs; assessments and fees; and perform 80 hours of community service.

9. During the Department investigation, Respondent took three (3) hours of education on the topic of critical thinking and four (4) hours of education on the topic of ethics. These courses satisfy what would have been ordered by the Board.

10. 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, Amanda T. Picord, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.04(1), by violating, or

aiding and abetting a violation of any law substantially related to the practice of professional nursing¹.

3. By the conduct described in the Findings of Fact, Amanda T. Picord, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(2), by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

4. By the conduct described in the Findings of Fact, Amanda T. Picord, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.04(13), by obtaining or attempting to obtain any compensation by fraud, misrepresentation, deceit or undue influence in the course of nursing practice.

5. By the conduct described in the Findings of Fact, Amanda T. Picord, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(5)(c), by engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state laws.

6. As a result of the above conduct, Amanda T. Picord, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Amanda T. Picord, R.N., (license number 170714-30) is **REPRIMANDED**.

3. The professional nursing license issued to Respondent Amanda T. Picord, R.N., (license number 170714-30) and her 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 while working at least half-time as a nurse, Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- b. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a

¹ All references to Wis. Admin. Code § N 7.04 refer to the code as it existed prior to August 1, 2014. Respondent's conduct occurred during a time period that spans both the old and new code. Therefore, both code sections are cited.

home health, assisted living, agency, pool or as a nurse in a correctional setting.

- c. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
- d. 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.
- e. 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.

4. 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.

5. Within six (6) months from the date of this Order, Amanda T. Picord, R.N., shall pay COSTS of this matter in the amount of \$960.00.

6. Results of the evaluation, requests for approval of education, education certificates, work reports, preapproval of work settings and payment of 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

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 or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to show a copy of the order to her employers, submit proof that she showed a copy of the order to her employers, fails to work under direct supervision, fails to seek pre-approval of her nursing employment, works in an unapproved work setting, fails to

submit work reports, or fails to submit payment of the costs as ordered, as set forth above, Respondent's license (no. 170714-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has shown the order to her employers, submitted proof that she showed the order to her employers, works under direct supervision, seeks pre-approval of all nursing employment, works only in approved settings, submits satisfactory work reports, and complied with payment of costs.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

12-8-16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMANDA T. PICORD, R.N.,
RESPONDENT.

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STIPULATION

0005075

Division of Legal Services and Compliance Case No. 15 NUR 671

Respondent Amanda T. Picord, 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 Arthur K. Thexton.

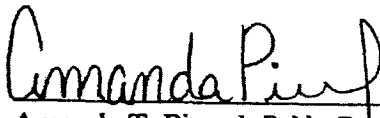
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

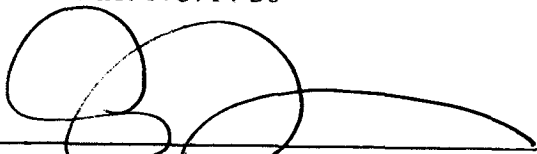
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



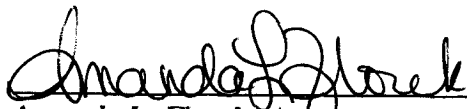
Amanda T. Picord, R.N., Respondent
614 North 115th Street
Wauwatosa, WI 53226
License no. 170714-30

11/18/16
Date



Arthur K. Thexton, Attorney for Respondent
Thexton Law Offices
6229 W. Lloyd St.
Milwaukee, WI 53213-2005

11/25/16
Date



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

11/28/16
Date