

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

JENNIFER M. STEHLING, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005374

Division of Legal Services and Compliance Case No. 16 NUR 542

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

Jennifer M. Stehling, R.N.
W9077 Concord Court
Beaver Dam, WI 53916

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 Jennifer M. Stehling, R.N., (dob: June 24, 1972) is licensed in the State of Wisconsin as a professional nurse, having license number 130172-30, first issued on July 22, 1998, and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W9077 Concord Court, Beaver Dam, Wisconsin 53916.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a correctional institution (Institution), located in Fox Lake, Wisconsin.

3. Between December 1, 2015 and June 12, 2016, Respondent provided nursing services in the health services unit (HSU) at the Institution to Inmate A, a 29 year old male, who was incarcerated at the Institution.

4. On June 15, 2016, Respondent was interviewed by law enforcement as part of an investigation by the Institution regarding a violation of its fraternization policy. Respondent admitted to law enforcement during their investigation that she had engaged in sexual intercourse with Inmate A and that she had provided photographs of herself to Inmate A.

5. On September 27, 2016, in Dodge County Circuit Court case number 2016CF322, Respondent was charged with two (2) counts of second degree sexual assault by correctional staff, in violation of Wis. Stat. § 940.225(2)(h), a felony, and one (1) count of delivery of illegal articles to an inmate, in violation of Wis. Stat. § 302.095(2), a felony.

6. The criminal charges were based on the following conduct by Respondent:

- a. Between January and June 2016, Respondent, as a correctional staff member, had sexual contact or sexual intercourse with Inmate A on several occasions while he was incarcerated at the Institution.
- b. Between January and June 2016, Respondent delivered personal photographs to Inmate A.

7. On June 29, 2017, Respondent pled guilty to one (1) count of second degree sexual assault by correctional staff, in violation of Wis. Stat. § 940.225(2)(h), a felony. The remaining counts were dismissed, but read in for the purpose of sentencing. The court withheld sentence and placed Respondent on 30 months probation, with seven (7) months in the county jail as a condition of probation. The court granted Huber privileges for employment and treatment.

8. 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, Respondent 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.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(f)(1)a., by engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.

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

ORDER

1. The attached Stipulation is accepted.

2. The license of Jennifer M. Stehling, R.N., (license number 130172-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are SUSPENDED for eighteen (18) months from the date of the Issuance of the Interim Order of Suspension (Order no. 005374), dated July 13, 2017.

3. After the eighteen (18) month period, Respondent may petition for a stay of suspension. After the eighteen (18) month period, Respondent may or may not be granted a stay of suspension, but may petition for a stay, under the following conditions:

- 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 her ability to practice safely and, if so, shall provide any recommended limitations for safe practice.
- b. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the health care provider. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- c. Respondent shall execute necessary documents authorizing the Division to obtain records of 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.

- d. 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.
- e. 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.
- f. Respondent is responsible for timely payment of the costs of the examination. Payment shall be made directly to the evaluator.
- g. 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.
- h. If the Board determines 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.
- i. If the Board determines that Respondent is not fit to practice, the Board may suspend 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 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 quarterly 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.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$958.00.

5. Results of the evaluation 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

6. In the event Respondent violates any term of this Order, Respondent's license (130172-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

10-12-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER M. STEHLING, R.N.,
RESPONDENT.

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STIPULATION

0005374

Division of Legal Services and Compliance Case No. 16 NUR 542

Respondent Jennifer M. Stehling, 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 Timothy E. Hawkes.

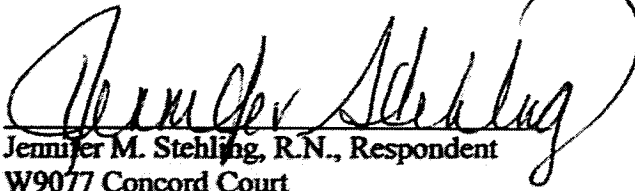
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives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



Jennifer M. Stehling, R.N., Respondent
W9077 Concord Court
Beaver Dam, WI 53916
License no. 130172-30

9/14/17
Date



Timothy E. Hawkes, Attorney for Respondent
Hawkes & Quindel, S.C.
222 E. Erie Street, Suite 210
Milwaukee, WI 53201

9/15/17
Date



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

9/18/17
Date