

## 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

HANLON H. MAXWELL, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

**0005434**

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Division of Legal Services and Compliance Case No. 16 NUR 442

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

Hanlon H. Maxwell, R.N.  
18005 Maple Tree Lane  
Brookfield, WI 53045

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 Hanlon H. Maxwell, R.N., (dob December 29, 1954) is licensed in the State of Wisconsin as a professional nurse, having license number 124961-30, first issued on December 13, 1996 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N78 W29166 Flynn Road, Hartland, Wisconsin 53029.

2. On information and belief, Respondent is currently residing at 18005 Maple Tree Lane, Brookfield, Wisconsin 53045.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a rehabilitation and assisted living facility (Facility), located in Milwaukee, Wisconsin.

4. On April 5, 2007, Respondent, in Waukesha County Circuit Court case number 2006CF735, was convicted of two (2) counts of injury by intoxicated use of a vehicle, in violation of Wis. Stat. § 940.25(1)(a), a felony.

5. Respondent failed to report this conviction to the Board.

6. This conviction was determined not to be substantially related to the practice of nursing.

7. On July 12, 2012, Respondent, in Waukesha County Circuit Court case number 2012CT179, was convicted of one (1) count of operating while intoxicated (2<sup>nd</sup>), in violation of Wis. Stat. § 346.63(1)(a), a misdemeanor.

8. Respondent failed to report this conviction to the Board.

9. This conviction was determined not to be substantially related to the practice of nursing.

10. On March 13, 2016, at 3:26 p.m., a City of Wauwatosa police officer responded to a hit and run with airbag deployment.

11. The driver informed the police officer that the suspect car was traveling at a high rate of speed and crossed the center line towards her vehicle. She swerved and the suspect vehicle struck the front passenger side door. The driver and her child were uninjured.

12. Through police investigation, it was determined that Respondent was the driver of the vehicle.

13. On March 13, 2016, at 3:54 p.m., Respondent was pulled over by a City of Brookfield police officer for erratic driving, driving across a roundabout and striking a county street sign.

14. While making contact with Respondent, the police officer detected the smell of intoxicants on Respondent's breath.

15. Respondent was subjected to a field sobriety test for which he failed. Respondent voluntarily submitted to a preliminary breath test (PBT). The test indicated Respondent had a blood alcohol concentration (BAC) of 0.27 g/dL.

16. Respondent was arrested for operating a motor vehicle while intoxicated (3<sup>rd</sup>).

17. A search of Respondent's vehicle revealed the following:

- a. four (4) clear plastic ampules of ipratropium bromide 0.5mg;
- b. four (4) clear plastic ampules of albuterol sulfate 3mg;
- c. two (2) clear glass vials of metoclopramide 10 mg injectable;
- d. two (2) brown vials of infuvile adult multiple vitamins;

- e. two (2) memantine hydrochloride tablets;
- f. two (2) and one half diltiazem hydrochloride tablets;
- g. two (2) round orange tablets with #10 imprinted, type unknown;
- h. three (3) clopidogrel bisulfate tablets;
- i. one (1) haloperidol tablet;
- j. one (1) clonidine hydrochloride tablet; and
- k. one (1) levetiracetam tablet.

18. Respondent admitted that the medication belonged to patients at the Facility, that he placed them in his pocket so he could administer them later and had forgotten about them.

19. Respondent was transported to the hospital and submitted to a legal blood draw at 5:48 p.m. and was then transported to the Brookfield Police Station.

20. On March 28, 2016, at the legal blood draw results revealed that Respondent had a BAC of 0.292 g/100 ml.

21. Respondent admitted to the police officer that he was coming from work and had consumed two (2) vodka drinks while at work that day.

22. On July 12, 2016, Respondent, in Milwaukee County Circuit Court case number 2016CM971, pled guilty to and was convicted of one (1) count of duty upon striking occupied or attended vehicle (property damage only), in violation of Wis. Stat. § 346.67(1), a misdemeanor; and one (1) count of endangering safety with use of a dangerous weapon, in violation of Wis. Stat. § 941.20(1)(a), a misdemeanor.

23. Respondent failed to report this conviction to the Board.

24. On August 5, 2016, Respondent, in Waukesha County Circuit Court case number 2016CT375, pled guilty to and was convicted of one (1) count of operating while intoxicated (3<sup>rd</sup>), in violation of Wis. Stat. § 346.63(1)(a), a misdemeanor.

25. Respondent failed to report this conviction to the Board.

26. 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, Hanlon H. Maxwell, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(e), by practicing nursing

while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications.

3. By the conduct described in the Findings of Fact, Hanlon H. Maxwell, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(h), by failing to notify the board of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction.

4. By the conduct described in the Findings of Fact, Hanlon H. Maxwell, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

5. As a result of the above conduct, Hanlon H. Maxwell, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Hanlon H. Maxwell, R.N., (license no. 124961-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

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. Respondent shall immediately return all indicia of Wisconsin licensure 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

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

WISCONSIN BOARD OF NURSING

by:

  
A Member of the Board

Date

9/14/17

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

HANLON H. MAXWELL, R.N.,  
RESPONDENT.

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STIPULATION

0005434

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Division of Legal Services and Compliance Case No. 16 NUR 442

Respondent Hanlon H. Maxwell, 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.

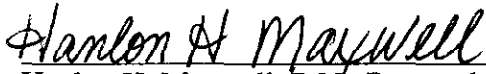
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

  
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Hanlon H. Maxwell, R.N., Respondent  
18005 Maple Tree Lane  
Brookfield, WI 53045  
License no. 124961-30

7-10-17  
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

7/17/17  
Date