

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

CARRIE L. NICHELSON, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005436

Division of Legal Services and Compliance Case No. 16 NUR 564

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

Carrie L. Nicholson, R.N.
732 Westport Dr.
Port Washington, WI 53074

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 Carrie L. Nicholson, R.N., (dob October 12, 1980) is licensed in the State of Wisconsin as a professional nurse, having license number 160211-30, first issued on August 8, 2007 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 732 Westport Drive, Port Washington, Wisconsin 53074.

2. On March 28, 2016, a City of Port Washington police officer responded to Respondent's residence pursuant to a complaint that Respondent struck a neighbor's mailbox with her vehicle.

3. Upon arriving at Respondent's residence, the police officer observed Respondent's vehicle parked slanted in the driveway and a crease in the garage door.

4. During questioning, Respondent admitted to striking the mailbox.

5. The police officer detected a light odor of intoxicants on Respondent's breath. Respondent admitted to consuming wine earlier in the day.

6. Respondent was subjected to preliminary breath test (PBT) which indicated Respondent had a blood alcohol concentration (BAC) of 0.13 g/dL.

7. Respondent was placed under arrest and transported to the Port Washington Police Department where Respondent agreed to an evidentiary chemical test of her breath. The test indicated Respondent a BAC of 0.10 g/dL.

8. On September 8, 2016, in Ozaukee County Circuit Court case number 2016CM266, Respondent was convicted of one (1) count of operating while intoxicated – 1st with a minor child in a vehicle, in violation of Wis. Stat. § 346.63(1)(a), a misdemeanor.

9. Respondent timely reported this conviction to the Board.

10. Respondent completed an AODA assessment. The treater did not find any concerns.

11. 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, Carrie L. Nichelson, 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.

3. As a result of the above conduct, Carrie L. Nichelson, 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 Carrie L. Nichelson, R.N., is REPRIMANDED.

3. Within 120 days from the date of this Order, Carrie L. Nicholson, R.N., shall pay COSTS of this matter in the amount of \$635.00.

4. Any reports, documents and payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

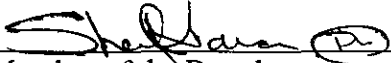
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (160211-30), 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9/14/17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARRIE L. NICHELSON, R.N.,
RESPONDENT.

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:
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:
:

STIPULATION

0005436

Division of Legal Services and Compliance Case No. 16 NUR 564

Respondent Carrie L. Nicholson, 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.

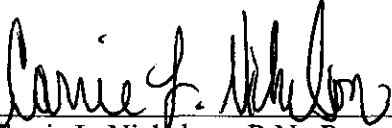
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



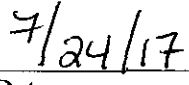
Carrie L. Nichelson, R.N., Respondent
732 Westport Dr.
Port Washington, WI 53074
License no. 160211-30



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



Date