

## 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

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

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FINAL DECISION AND ORDER

**0004713**

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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 information and belief, Respondent currently resides at Kettle Moraine Correctional Institution, P.O. Box 31, Plymouth, Wisconsin 53073-0031.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a medical center (Center) located in Neillsville, Wisconsin.

4. Between July 19, 2015 and July 28, 2015, Respondent worked in the emergency department of the Center.

5. On February 3, 2016, Respondent was charged with two (2) counts of second degree sexual assault of an unconscious victim, felony, in violation of Wis. Stat. § 940.225(2)(d), and two (2) counts of second degree sexual assault of an intoxicated victim, felony, in violation of Wis. Stat. § 940.225(2)(cm), in Clark County Circuit Court case number 2016CF20.

6. The charges above were based on the following facts:

- a. On July 22, 2015, Patient WB was transported to the Center emergency room due to a seizure. She was sexually assaulted by a male nurse while at the Center. Patient WB was groggy at the time of the assault but felt someone sexually assault her. Patient WB opened her eyes and saw a male nurse standing over her.
- b. On July 27, 2015, Patient AF went to the Center emergency room due a severe migraine. Patient AF was given medication that made her very groggy. When Patient AF got out of bed later there were signs that she had been sexually assaulted. When Patient AF was discharged, Respondent made a comment about her legs being smooth.

7. On May 12, 2016, based on the above allegations, the Board issued an interim order suspending Respondent's nursing license (order number 4713) which would remain in effect during the pendency of the criminal court case and disciplinary proceedings.

8. On May 27, 2016, the criminal charges were amended to two (2) counts of second degree sexual assault of an unconscious victim, felony, in violation of Wis. Stat. § 940.225(2)(d), and one (1) count of second degree sexual assault of an intoxicated victim, felony, in violation of Wis. Stat. § 940.225(2)(cm), in Clark County Circuit Court case number 2016CF20.

9. On September 8, 2017, Respondent plead guilty and was convicted of one (1) count of second degree sexual assault of an intoxicated victim, felony, in violation of Wis. Stat. § 940.225(2)(cm), in Clark County Circuit Court case number 2016CF20. The other two counts were dismissed but read in for the purposes of sentencing.

10. Respondent is currently serving a four (4) year prison sentence.

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, Randy J. Magnus, R.N., violated Wis. Admin. Code § N 7.03(2), by violating a 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, Randy J. Magnus, 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 Randy J. Magnus, R.N., (license no. 132436-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact are 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. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:   
A Member of the Board

2-8-18  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

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

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:

STIPULATION

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**0004713**

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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.

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.

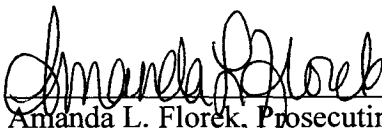
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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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Randy J. Magnus, R.N., Respondent  
W5720 Maple Road  
Neillsville, WI 54456  
License no. 132436-30

1/28/18  
\_\_\_\_\_  
Date

  
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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

1/31/18  
\_\_\_\_\_  
Date