

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 A. DECORAH, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0005499

Division of Legal Services and Compliance Case No. 16 NUR 317 and 17 NUR 486

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Jennifer A. Decorah, R.N.
1155 Chicago Lane
Friendship, WI 53934

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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 these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jennifer A. Decorah, R.N., (DOB: May 23, 1987) is licensed in the State of Wisconsin as a professional nurse, having license number 173651-30, first issued on July 1, 2010, suspended as of November 13, 2017, and expired on February 28, 2018.

2. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 2, 2023, but that right is subject to the pending suspension. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1155 Chicago Lane, Friendship, Wisconsin 53934.

16 NUR 317

3. At all times relevant hereto, Respondent was employed as a professional nurse at a nursing home located in Mauston, Wisconsin (Facility).

4. Between April 30, 2016 and May 6, 2016, while working at the Facility, Respondent diverted and consumed controlled substances.

5. On October 11, 2016, Respondent was charged in Juneau County Circuit Court case number 16-CF-187 with three counts of felony Theft-Movable Property-Special Facts in violation of Wis. Stat. § 943.20(1)(a).¹

6. On November 22, 2017, Respondent pled guilty to two counts of felony Theft-Movable Property-Special Facts in violation of Wis. Stat. § 943.20(1)(a), and one count of misdemeanor Possession of Controlled Substance in violation of Wis. Stat. § 961.41(3)(g).

17 NUR 486

7. In September 2017, Respondent was being held in Adams County Jail pending the resolution of the criminal matter described above. Respondent used a jail telephone to arrange for someone to remove heroin from Respondent's car and sell it.

8. Local law enforcement learned about the call and inspected Respondent's vehicle, finding heroin and related paraphernalia.

9. On October 16, 2017, Respondent was charged in Adams County Circuit Court case number 17-CF-185 with one count of felony Possession with Intent to Distribute Heroin in violation of Wis. Stat. § 961.41(1m)(d)1., and two counts of felony Bail Jumping in violation of Wis. Stat. § 946.49(1)(b).

10. On November 1, 2017, Respondent pled no contest to two counts of misdemeanor Bail Jumping in violation of Wis. Stat. § 946.41(1m)(d)1., and one count of misdemeanor Resisting or Obstructing an Officer in violation of Wis. Stat. § 946.49(1)(a), and entered into a deferred prosecution agreement for one count of felony Possession with Intent to Distribute Heroin in violation of Wis. Stat. § 946.41(1m)(d)1.

11. On November 13, 2017, the Board summarily suspended Respondent's license to practice nursing in Wisconsin, and the suspension has remained in effect without interruption.

12. Respondent is currently incarcerated.

13. In resolution of these matters, Respondent consents to entry of the following Conclusions of Law and Order.

¹ All statutory references are to the statute in effect at the time at issue.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in these matters 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, Jennifer A. Decorah, 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.

3. By the conduct described above, 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.

4. As a result of the above conduct, Jennifer A. Decorah, 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 VOLUNTARY SURRENDER of the license and privilege of Jennifer A. Decorah, R.N., (license no. 173651-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. Respondent shall not petition the Board of Nursing (Board) for reinstatement for at least three (3) years from the date of this Order. After the three (3) year period, Respondent may or may not be granted reinstatement, but may petition for reinstatement subject to the following conditions:

a. Respondent shall pay COSTS of these matters in the amount of \$3,935.00.

b. Respondent shall submit an AODA assessment report prepared by an actively licensed AODA provider who has been pre-approved by the Board, and whose report shall be created no more than thirty (30) days prior to the date of the petition.

c. The Board may require Respondent to undergo any additional testing and/or assessment it deems appropriate before determining whether to grant or deny Respondent's petition for reinstatement.

d. The Board may impose any condition on reinstatement it deems appropriate in light of any and all information available at the time.

e. Respondent is responsible for all expenses related to the reinstatement petition.

4. If applicable, all required submissions and payment of costs shall be made to the Wisconsin Department of Safety and Professional Services Monitor and sent to 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

You may also submit this information online via the DSPS Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

Date

1/10/19

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER A. DECORAH, R.N.,
RESPONDENT.

STIPULATION

ORDER 0005499

Division of Legal Services and Compliance Case Nos. 16 NUR 317 and 17 NUR 486

Respondent Jennifer A. Decorah, 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 pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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.

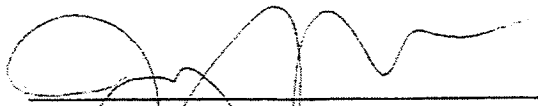
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 these investigations 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.

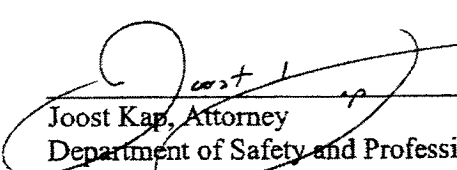
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jennifer A. Decorah, R.N., Respondent
1155 Chicago Lane
Friendship, WI 53934
License no. 173651-30

11/18/18

Date



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

12/4/18

Date