

## 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

APRIL J. STOKES, L.P.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0006167**

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Division of Legal Services and Compliance Case No. 16 NUR 132

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

April J. Stokes, L.P.N.  
114 S. East Street  
Wonewoc, WI 53968

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 April J. Stokes, L.P.N., (DOB April 23, 1979) is licensed by the state of Wisconsin as a practical nurse, having license number 304339-31, first issued on April 24, 2003, and current through April 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 114 South East Street, Wonewoc, Wisconsin 53968.

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

3. At all times relevant to this proceeding, Respondent provided nursing services in the health services unit (HSU) at the Institution to the following inmates who were incarcerated at the Institution: Inmate A, a 26 year old male; and Inmate B, a 29 year old male.

4. On March 7, 2016, in Juneau County Circuit Court case number 2016CF45, 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 three (3) counts of delivery of illegal articles to inmates, in violation of Wis. Stat. § 302.095(2), a felony.

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

- a. Between April 15, 2015 and September 15, 2015, Respondent, as a correctional staff member, had sexual contact or sexual intercourse with Inmate A, a then 26 year old male who was incarcerated at the Institution.
- b. Between April 24, 2014 and October 15, 2015, Respondent, as a correctional staff member, had sexual contact or sexual intercourse with Inmate B, a then 29 year old male who was incarcerated at the Institution.
- c. Between November 17, 2014 and October 15, 2015, Respondent delivered two (2) cellphones, money and cigarettes to Inmate A.
- d. Between November 17, 2014 and October 15, 2015, Respondent delivered chewing tobacco Inmate B.
- e. Between November 17, 2014 and October 15, 2015, Inmate C used one of the cellphones Respondent delivered to Inmate A.

6. After Respondent engaged in the above conduct, Inmate A requested prison staff to remain in restrictive housing because he was afraid of other inmates who knew Respondent was bringing things in for him.

7. After Respondent engaged in the above conduct, Inmate C was fearful to return to the general population because other inmates threatened him and stole his belongings because Respondent was bringing items in for him.

8. Respondent admitted to law enforcement that she knew that her conduct with Inmates A, B and C was wrong.

9. On October 26, 2016, in Juneau County Circuit Court case number 2016CF45, Respondent pled no contest and was convicted of one (1) count of delivery of illegal articles to inmates, in violation of Wis. Stat. § 302.095(2), a felony, and one (1) count of obstructing an officer, in violation of Wis. Stat. § 946.41(1), a misdemeanor. The two (2) counts of second degree sexual assault by correctional staff, in violation of Wis. Stat. § 940.225(2)(h), and one (1) count of delivery of illegal articles to inmates, in violation of Wis. Stat. § 302.095(2), were dismissed but read in.

10. Respondent was sentenced to six (6) months jail with Huber release and two (2) years of probation, which included terms requiring mental health counseling, maintain employment, provide a DNA sample and payment of fines.

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, 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 practical nursing license of April J. Stokes, L.P.N., (license number 304339-31) to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are **SUSPENDED** for two (2) years from the date of this Order.

3. After the two (2) year period, Respondent may or may not be granted reinstatement, but may petition for reinstatement, 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 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. Respondent is responsible for timely payment of the costs of the examination. Payment shall be made directly to the evaluator.
- h. 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.
- i. 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.
- j. 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. In the event that Respondent petitions for reinstatement, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of \$6,867.00, pursuant to Wis. Stat. § 440.22(2).

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](mailto:DSPSMonitoring@wisconsin.gov)

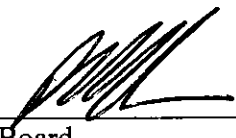
You may also submit payment online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

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

WISCONSIN BOARD OF NURSING

By:

  
\_\_\_\_\_  
A Member of the Board

5/9/19  
\_\_\_\_\_  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

APRIL J. STOKES, L.P.N.,  
RESPONDENT.

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STIPULATION

0086167

Division of Legal Services and Compliance Case No. 16 NUR 132

Respondent April J. Stokes, L.P.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

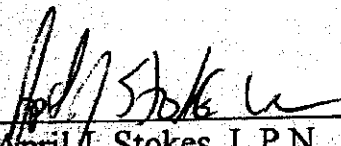


of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


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.

  
\_\_\_\_\_  
April J. Stokes, L.P.N., Respondent  
114 S. East St.  
Wonewoc, WI 53968  
License no. 304339-31

4/23/2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Carley Peich-Kiesling, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison WI 53707-7190

4/23/19  
\_\_\_\_\_  
Date