

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**Before the  
State of Wisconsin  
Board of Nursing**

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In the Matter of Disciplinary Proceedings Against  
Debourne A. Williams, R.N., Respondent

FINAL DECISION AND ORDER

Order No. **ORDER 0006272**

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**Division of Legal Services and Compliance Case No. 17 NUR 153**

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 11 day of July, 2019.

A handwritten signature in black ink, appearing to be "R. Williams", written over a horizontal line.

Member  
Board of Nursing

ORDER OF PAY



**Before The  
State of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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In the Matter of Disciplinary Proceedings Against  
Debourne A. Williams, R.N., Respondent

DHA Case No. SPS-19-0019  
DLSC Case No. 17 NUR 153

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**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Debourne A. Williams, R.N.  
6640 W. Girard Avenue  
Milwaukee, WI 53210

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and  
Compliance, by

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

**PROCEDURAL HISTORY**

The proceedings were initiated on March 5, 2019, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a formal complaint against Respondent Debourne A. Williams, R.N. (Respondent), alleging that Respondent engaged in unprofessional conduct by having a license to practice nursing limited or otherwise disciplined in another state, in violation of Wis. Admin. Code § N 7.03(1)(b).

The Division served Respondent on March 5, 2019, by sending a copy of the Notice of Hearing and Complaint to 6640 West Girard Avenue, Milwaukee, Wisconsin 53210, via certified and First Class mail. The Respondent did not file an Answer.

At the expiration of the 20-day time period to file an Answer, the Administrative Law Judge (ALJ) scheduled a telephone prehearing conference for April 16, 2019. Notice of the prehearing conference was mailed to the Respondent on March 25, 2019, and instructed Respondent to provide the ALJ a telephone number at which he could be reached for the conference no later than April 12, 2019. Respondent failed to provide a telephone number and failed to appear at the prehearing conference. The Division moved for default based on Respondent's failure to appear and failure to file an Answer, pursuant to Wis. Admin. Code

§ SPS 2.14 and § HA 1.07(3), which the ALJ granted. On April 16, 2019, the ALJ issued a Notice of Default and Order against Respondent and ordered that the Division file a recommended proposed decision and order by April 30, 2019. The Division timely filed its submission.

## FINDINGS OF FACT

### Facts Related to the Alleged Violations

Findings of Facts 1-7 are set forth in the Division's Complaint against Respondent filed in this matter.

1. Respondent Debourne A. Williams, R.N., was licensed in the State of Wisconsin as a registered nurse, having license number 139304-30, first issued on August 6, 2001, and expired on February 28, 2018. Pursuant to Wis. Stat. § 440.08(3)(b), Respondent retains the right to renew upon payment of a fee until February 28, 2023.

2. Respondent's most recent address on file with the Department is 6640 West Girard Avenue, Milwaukee, Wisconsin 53210.

3. On March 3, 2017, the Arizona State Board of Nursing (Arizona Board) notified the Department that Respondent was subject to a disciplinary order in Arizona dated March 1, 2017, based on the following:

- a. On or about June 23, 1994, Respondent was stopped by the Glendale Police Department in Glendale, Wisconsin for a traffic violation.
- b. On or about June 23, 1994, Respondent gave Glendale Police Department officers false information and was later charged with Resisting or Obstructing an Officer.
- c. On or about September 23, 2016, Respondent admitted to the Arizona State Board of Nursing that he gave false information to Glendale Police Department officers during a traffic stop on or about June 23, 1994.
- d. In prior claims for unemployment insurance benefits in the State of Wisconsin, Respondent certified that he had neither worked nor earned wages.
- e. On or about April 23, 2015, Respondent filed a petition for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court – Eastern District of Wisconsin.
- f. On or about August 3, 2015, a Complaint to Determine Dischargeability of Debt was filed against Respondent due to Respondent previously filing unemployment insurance benefit claims in the State of Wisconsin.
- g. On or about September 23, 2016, Respondent admitted to the Arizona State Board of Nursing that he falsely certified that he had neither worked nor earned wages to secure unemployment insurance benefits, despite working for multiple employers and earning wages from each employer.

4. Respondent received unemployment insurance benefits to which he was not entitled.

5. On or about December 13, 2016, Respondent underwent a psychological evaluation to address ethical issues.

6. The evaluator who administered the psychological evaluation recommended that Respondent complete a professional ethics course and undergo psychotherapy treatment.

7. On or about March 1, 2017, the Arizona Board issued a registered nurse license to Respondent but placed that license on probation for 36 months.

#### Facts Related to Default

8. The Notice of Hearing and Complaint in this matter were served on Respondent on March 5, 2019, by both certified and First Class mail, consistent with Wis. Admin. Code § SPS 2.08. The Notice of Hearing instructed Respondent: "If you do not provide a proper Answer within 20 days, you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence. In addition, the Board may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing."

9. Respondent failed to file an Answer as required by Wis. Admin. Code § SPS 2.09(4).

10. Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for April 16, 2019. Notice of this prehearing conference was sent to both parties, with instructions that Respondent provide the ALJ with a telephone number at which he could be reached for the conference. The Notice instructed Respondent: "The Respondent's failure to appear at a scheduled conference or hearing may result in default judgment being entered against the Respondent."

11. Respondent failed to provide a telephone number. During the conference on April 16, 2019, the Division provided a telephone number for Respondent. The ALJ left a message for Respondent allowing him 15 minutes to return the call; however, the ALJ never heard back from Respondent. The ALJ therefore granted the Division's motion for default based on failure to file an Answer and failure to appear.

12. On April 16, 2019, the ALJ issued a Notice of Default and Order which required the Division to file and serve, no later than April 30, 2019, a recommended proposed decision and order.

13. The Division timely filed its recommended proposed decision and order on April 30, 2019.

14. Respondent did not file a response to the Notice of Default and Order or to the Division's recommended proposed decision and order.

## DISCUSSION AND CONCLUSIONS OF LAW

### Default

As stated in the April 16, 2019 Notice of Default and Order, Respondent is in default for failing to file an Answer to the Complaint and failing to appear at the telephone conference held on April 16, 2019. *See* Wis. Admin. Code §§ SPS 2.14 and HA 1.07(3). Accordingly, an order may be entered against Respondent on the basis of the Complaint and other evidence. *See* Wis. Admin. Code §§ SPS 2.14, HA 1.07(3).

### Violations

The Wisconsin Board of Nursing (Board) may revoke, limit, suspend, or deny renewal of a license of a professional nurse if it finds that the licensee has engaged in “[o]ne or more violations of this subchapter or any rule adopted by the board under the authority of this subchapter” or has committed misconduct or unprofessional conduct. Wis. Stat. § 441.07(1g)(b) and (d), respectively.

Pursuant to Wis. Admin. Code § N 7.03(1)(b), grounds for taking disciplinary action on a license include “[h]aving a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country.”

The undisputed facts establish that on March 1, 2017, the Arizona Board issued a disciplinary order against Respondent. The Arizona disciplinary order was based on the following conduct which occurred in Wisconsin. On or about June 23, 1994, Respondent was stopped by the Glendale Police Department, of Glendale, Wisconsin, for a traffic violation, gave the Glendale Police Department officers false information, and was later charged with Resisting or Obstructing an Officer. On September 23, 2016, Respondent admitted to the Arizona Board that he gave false information to Glendale Police Department officers.

Also, in prior claims for unemployment insurance benefits in Wisconsin, Respondent certified that he had neither worked nor earned wages. However, on or about September 23, 2016, Respondent admitted to the Arizona Board that he had falsified the certification that he had neither worked nor earned wages so that he could secure unemployment insurance benefits, despite the fact that he had worked for multiple employers and earned wages from each employer during that time. As a result of Respondent falsely certifying that he had neither worked nor earned wages, he was paid unemployment insurance benefits to which he was not entitled.

Additionally, on December 13, 2016, Respondent underwent a psychological evaluation to address ethical issues. The evaluator recommended that Respondent complete a professional ethics course and undergo psychotherapy treatment.

As a result of the above conduct, on or about March 1, 2017, the Arizona Board issued a registered nurse license to Respondent but placed that license on probation for 36 months.<sup>1</sup> Thus,

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<sup>1</sup> The Division states in its recommended proposed decision and order that the Arizona Board also placed various conditions on Respondent’s license; however, none of the conditions listed by the Division are in the record and therefore may not be included in this decision.

Respondent violated Wis. Admin. Code § N 7.03(1)(b) by having his license to practice nursing limited by the Arizona Board, and is therefore subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

### Appropriate Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the credential holder; (2) to protect the public from other instances of misconduct; and (3) to deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division recommends that Respondent be reprimanded, that his right to renew and privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact be suspended until Respondent proves he is in compliance with the requirements of the Arizona disciplinary order. The Division further requests that any renewal of Respondent's license be conditioned on his remaining in compliance with the Arizona order, as set forth in more detail in the Order section below.

The Division's recommendations are warranted. Requiring Respondent to comply with the terms of the Arizona disciplinary order will best serve to promote Respondent's rehabilitation, protect the public, and deter others from engaging in such conduct. As such, prior to being allowed to renew, Respondent must demonstrate that he is in compliance with the Arizona disciplinary order or that he fully completed all terms and conditions of the Arizona disciplinary order prior to seeking renewal of his Wisconsin license. In addition, prior to being allowed to renew his Wisconsin license, Respondent must pay costs associated with this matter in full. Upon renewal of his Wisconsin license, his license should be limited to require he remain in compliance with the Arizona disciplinary order should the Arizona disciplinary order remain in effect.

In addition, the Division's recommended discipline recommended is consistent with prior Board decisions. For example, in *In the Matter of Disciplinary Proceedings Against Jodi L. Oman, R.N.*, Order No. 0000076 (Feb. 25, 2010),<sup>2</sup> a nurse, Ms. Oman, was found to have had disciplinary action taken against her license in another jurisdiction, Minnesota. The Minnesota Board placed conditions on Ms. Oman's Minnesota license based on her poor communications with staff, poor documentation, medication administration errors, failure to waste narcotics properly, and discrepancies regarding handling of narcotics. The Minnesota Board's conditions included the following requirements: that she complete continuing education on the topics of medication errors, documentation, professional accountability and critical thinking skills; that she submit a written report to the Minnesota Board regarding her education in those areas; that she submit reports to the Minnesota Board on a quarterly basis; and that she provide all nursing employers with a copy of the Minnesota Order. Based on the Minnesota Board's action, the Wisconsin Board reprimanded Ms. Oman and limited her license with the following requirements: that she comply with all conditions and limitations placed on her Minnesota license; that she provide copies of all reports filed with the Minnesota Board to the Wisconsin Department Monitor; and that her license be suspended if a work report reveals that she is not

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<sup>2</sup>This decision is attached to the Division's recommended proposed decision and order and is also available on-line at <https://online.drl.wi.gov/decisions/2010/ORDER0000076-00004194.pdf>.



practicing nursing with reasonable skill and safety or has violated any provisions of the Wisconsin Order.

Likewise, in *In the Matter of Disciplinary Proceedings Against Stacy E. Fjordbak, R.N.*, Order No. 0003266 (June 12, 2014),<sup>3</sup> a nurse, Ms. Fjordbak, had a disciplinary action taken against her license in another jurisdiction, Minnesota. The Minnesota Board placed conditions on Ms. Fjordbak's Minnesota license based primarily on her poor communications with co-workers and patients. The Minnesota Board Order's conditions included requirements that she undergo evaluation and monitoring (if indicated) by the Health Professional Services Program with regard to her mental health and chronic pain issues. In addition, the Minnesota Board ordered that she receive remediation in professional communication and in creating an environment of relationship-based care with patients. Based on the Minnesota Board's action, the Wisconsin Board reprimanded Ms. Fjordbak and limited her license with the following requirements: that she comply with all conditions and limitations placed on her Minnesota license; that she provide a copy of the consultant report to the Department; that she submit quarterly self-reports to the Department regarding her progress with the Minnesota Order; and that she notify the Board of any changes to her Minnesota Order within ten days of the change.

Based on the factors in *Aldrich*, the facts of this case and prior Board decisions, the reprimand, suspension and limitations recommended by the Division are appropriate.

### Costs

As a result of the Board's reprimand of Respondent and its suspension of his right to renew his license, the Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against Respondent. *See* Wis. Stat. § 440.22(2). In exercising such discretion, the Board must look at aggravating and mitigating facts of the case; it may not assess costs against a licensee based solely on a "rigid rule or invocation of an omnipresent policy," such as preventing those costs from being passed on to others. *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In previous orders, boards have considered the following factors when determining if all or part of the costs should be assessed against a Respondent: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the cooperation of the respondent; (5) any prior discipline; and (6) the fact that the Department is a program revenue agency, funded by other licensees. *See e.g., In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz*, LS 0802183 CHI (Aug. 14, 2008). It is within the Board's discretion as to which, if any, of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

In this case, Respondent's conduct underlying the Arizona disciplinary order involved serious ethical violations that deceived, defrauded, and harmed the public. This type of conduct is serious and erodes the public's trust in the nursing profession. In addition, the Division proved all of the counts it alleged and the level of discipline it sought is severe and was granted in this case. Moreover, Respondent failed to cooperate in these proceedings. Finally, it would be unfair

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<sup>3</sup> This decision is attached to the Division's recommended proposed decision and order and is also available on-line at <https://online.drl.wi.gov/decisions/2014/ORDER0003266-00009955.pdf>.

to impose the costs of pursuing discipline in this matter on those licensees who have not engaged in misconduct.

Based on the foregoing, all of the costs of these proceedings should be assessed against Respondent in an amount to be determined pursuant to Wis. Admin. Code § SPS 2.18. Because Respondent's license to practice nursing in the State of Wisconsin is currently expired, the Order will require that Respondent pay full costs as a requirement of renewal of his license.

### ORDER

1. IT IS ORDERED that Respondent Debourne A. Williams, R.N., is REPRIMANDED, and that his right to renew his license (license no. 139304-30) and his privilege to practice in the State of Wisconsin pursuant to the Enhanced Licensure Compact are SUSPENDED for an indefinite period.

2. The suspension of Respondent's right to renew his license and privilege to practice in the State of Wisconsin may be stayed upon Respondent petitioning the Board or its designee and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent is in current compliance with the March 1, 2017 Arizona disciplinary order (which order continues to remain in effect at the time of petition), or has fully satisfied the requirements of the Arizona disciplinary order and has been released from the confines of such order, and has paid all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18.

3. If the Board or its designee authorizes a stay of the suspension of Respondent's right to renew his license and privilege to practice in the State of Wisconsin based upon Respondent being in current compliance with the Arizona disciplinary order (which order continues to remain in effect) and having made full payment of costs associated with this matter, Respondent's license to practice nursing shall be LIMITED as follows:

- a. Respondent shall maintain compliance with all conditions placed on his Arizona license.
- b. Respondent shall complete and sign health records waivers, including mental health records, to allow representatives of the Board to discuss Respondent's case with, and to obtain written evaluations and reports and copies of all Respondent's health and mental health records from, his physician, therapist, or others from whom Respondent has sought or obtained support or assistance.
- c. Respondent shall send copies of all reports filed with the Arizona Board to the Department Monitor within five days of filing in Arizona.
- d. Respondent shall notify the Department Monitor of any changes to his March 1, 2017 Arizona disciplinary order within ten days of the change.
- e. Respondent shall submit quarterly self-reports to the Department Monitor regarding his progress with the March 1, 2017 Arizona disciplinary order.

- f. Respondent shall, within 48 hours, notify the Department Monitor of any non-compliance or allegations of non-compliance with the Arizona disciplinary order.
- g. Upon full satisfaction and completion of the Arizona disciplinary order, Respondent may petition the Board for return of full, unrestricted licensure.
- h. The Board may grant full licensure or amend limitations instituted by this Order.

4. If the Board or its designee authorizes a stay of the suspension of Respondent's right to renew his license and privilege to practice in the State of Wisconsin based upon Respondent having fully satisfied the requirements of the Arizona disciplinary order and full payment of costs associated with this matter, Respondent may apply for renewal of his license. Such application for renewal shall be granted once Respondent is in compliance with all other renewal requirements.

5. Any payments, requests, petitions, reports, and other information required by this Order may be mailed, faxed, or emailed to:

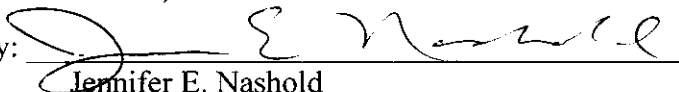
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

This information may also be submitted information online via DSPS' Monitoring Case Management System, at <https://app.wi.gov/DSPSMonitoring>.

6. IT IS FURTHER ORDERED that the terms of this Order are effective the date the Final Decision and Order is signed by the Board.

Dated at Madison, Wisconsin on May 31, 2019.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
4822 Madison Yards Way, 5<sup>th</sup> Floor North  
Madison, Wisconsin 53705  
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By:   
Jennifer E. Nashold  
Administrative Law Judge