

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

JAY D.K. REINERS, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006536

Division of Legal Services and Compliance Case No. 18 NUR 134

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

Jay D.K. Reiners, R.N.
448 Hartwood Lane
Hartland, WI 53029-2231

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 Jay D.K. Reiners, R.N., (DOB: August 7, 1984) is licensed in the state of Wisconsin as a registered nurse, having license number 218447-30, first issued on July 18, 2014 and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 448 Hartwood Lane, Hartland, Wisconsin 53029-2231.

2. Respondent is licensed in the state of Wisconsin as a practical nurse, having license number 317702-31, first issued on December 19, 2013. This license expired on April 30, 2015. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until April 29, 2020.

3. At all times relevant to this proceeding, Respondent was employed as a registered nurse through a staffing service (Agency) assigned to a hospital (Hospital), located in Waukesha, Wisconsin.

4. Patient A was admitted to the Hospital on January 6, 2018, with a large amount of cash stored in his wallet.

5. Nurse A and Certified Nursing Assistant A counted the money in front of Patient A. They placed the cash and two (2) wallets into a white security bag and sealed it. Patient A and Nurse A signed an inventory document which identified the contents of the bag then stapled the document to the bag. Security was called to retrieve the bag and place it in the safe.

6. Patient A was discharged from the Hospital on January 12, 2018. Nurse B retrieved the bag from security and opened it, showing that it contained only a black eraser and a small box of tissues.

7. The Hospital conducted an internal investigation which alleged that Respondent prepared a second security bag containing the eraser and tissues. He used a new label from the cubby which he placed on the second bag, removed the signed document from the original bag, prepared a new signed document, and attached it to the second bag. He placed the original bag under his shirt and provided the security officer with the second bag for storage.

8. On January 17, 2018, the theft was reported to the Waukesha Police Department.

9. On March 28, 2018, Respondent was charged with Felony Theft of Movable Property in Waukesha County circuit court (case number 2018 CF 000473). Pursuant to a "no contest" plea, Respondent was convicted of a municipal ordinance for theft on November 20, 2018.

10. Respondent denies the allegations. However, 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, Jay D.K. Reiners, R.N., violated 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.

3. By the conduct described in the Findings of Fact, Jay D.K. Reiners, R.N., violated Wis. Admin. Code § N 7.03(4)(a), by soliciting, borrowing, misappropriating, obtaining, or attempting to obtain money or property from a patient or a patient's family.

4. As a result of the above conduct, Jay D.K. Reiners, 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 license of Jay D.K. Reiners, R.N., (license number 218447-30) to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are **SUSPENDED** for fourteen (14) days from the date of this Order.
3. Within six (6) months of the date of this Order, Respondent shall, at his own expense, take and successfully complete four (4) hours of education on the topic of ethics in nursing, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
4. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.
5. Within sixty (60) days of the date of this Order, Respondent shall complete a budget counseling program provided by a National Foundation for Credit Counseling (NFCC) accredited organization. Proof of successful completion shall be submitted to the Board through the Department Monitor at the address below.
6. Respondent shall provide his nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgement from each nursing employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
7. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for his nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating his work performance.
8. Pursuant to the Enhanced Nurse Licensure Compact, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.
9. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1028.00.
10. 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

Or they may be submitted online via the Department's Monitoring Case Management System at


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

7. In the event Respondent violates any term of this Order, Respondent's license (218447-30), or Respondent's right to renew his 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

11/14/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAY D.K. REINERS, R.N.,
RESPONDENT.

STIPULATION
ORDER 0006536

Division of Legal Services and Compliance Case No. 18 NUR 134

Respondent Jay D.K. Reiners, 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. Respondent is represented by Attorney Kristen Nelson.


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.

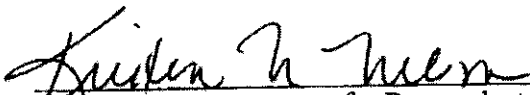
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

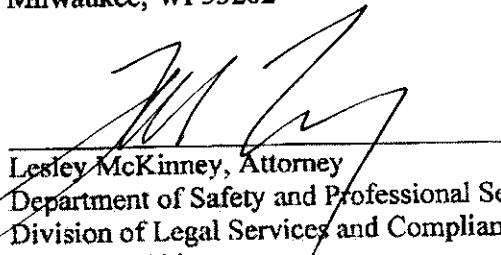
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Jay D.K. Reiners, R.N., Respondent
448 Hartwood Lane
Hartland, WI 53029-2231
License no. 218447-30

10/24/19
Date


Kristen Nelson, Attorney for Respondent
Gimbel, Reilly, Guerin, Brown, LLP
330 E. Kilbourne Ave, Suite 1170
Milwaukee, WI 53202

10/24/19
Date


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

10/25/19
Date