

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 S. SHERBINOW, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006574

Division of Legal Services and Compliance Case No. 19 NUR 200

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

Jennifer S. Sherbinow, R.N.

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 Jennifer S. Sherbinow, (D.O.B. XX-XX-1983) is licensed in the state of Wisconsin as a registered nurse, having license number 181423-30, first issued on October 28, 2011, and current through February 28, 2020.
2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a health center (Center) located in Menomonee Falls, Wisconsin.
3. On January 25, 2019, Nurse A was murdered in the Center's parking lot as she walked to her vehicle after her shift.
4. The alleged suspect was a former parking valet at the Center and was shown in several news outlets wearing a hospital gown.

5. On January 29, 2019, Respondent accessed the medical record of the alleged suspect because she was concerned for her safety and the safety of her nursing friends employed in Milwaukee area hospitals, and she wanted to know at which hospital the alleged suspect was admitted.

6. The alleged suspect was not Respondent's patient and Respondent had no authorization or other business purpose to access his medical records.

7. Respondent admitted to improperly accessing the medical records out of her own personal curiosity. Respondent's employment at the Center was terminated.

8. 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, Jennifer S. Sherbinow, R.N., violated Wis. Admin. Code § N 7.03(3)(a) by engaging in confidentiality, patient privacy, consent, or disclosure violations, including failing to safeguard the patient's dignity, or the right to privacy.

3. As a result of the above conduct, Jennifer S. Sherbinow, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jennifer S. Sherbinow, R.N., is REPRIMANDED.

3. The registered nurse license issued to Jennifer S. Sherbinow, R.N (license number 181423-30) and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are LIMITED as follows

a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete five (5) hours of education on the on the topic of HIPAA and the privacy of electronic health records offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. 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 continuing education requirements that have been or may be instituted by

the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

- c. The limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, during the pendency of this limitation(s).

5. Request for approval of courses, proof of successful course completion 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
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 DSPS' Monitoring Case Management System, here:

www.dspsmonitoring.wi.gov

6. Within 120 days from the date of this Order, Jennifer S. Sherbinow, R.N., shall pay COSTS of this matter in the amount of \$250.00.

7. In the event Respondent violates any term of this Order, Respondent's license (#181423-30), or Respondent's right to renew her 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

Date

12/12/19

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER S. SHERBINOW, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006574

Division of Legal Services and Compliance Case No. 19 NUR 200

Respondent Jennifer S. Sherbinow, 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 N. 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.

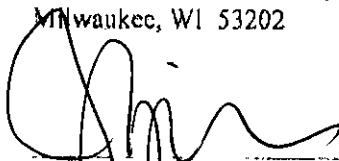
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Jennifer S. Sherbinow, R.N., Respondent
License No. 181423-30

11/25/19
Date


Kristen N. Nelson, Attorney for Respondent
Gimbel, Reilly, Guerin & Brown, LLP
330 East Kilbourn Avenue, Suite 1170
Milwaukee, WI 53202

11/26/19
Date


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

11/26/19
Date