

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A PRACTICAL NURSE
LICENSE

TINA RIOS,
APPLICANT.

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ORDER GRANTING
LIMITED LICENSE

ORDER 0006642

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

Tina Rios
Madison, WI 53713

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

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. Tina Rios, L.P.N., (Applicant) has filed an application to renew her Wisconsin licensed practical nurse license (license no. 305581-31).
2. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Madison, Wisconsin.
3. Information received in the renewal application process reflects the following information:
 - a. On or about December 21, 2018, a complaint was filed against the Applicant in Dane County Circuit Court case number 2018CF2581 alleging one (1) count of Medical Assistance Fraud/Benefit Application, a class H felony, in violation of Wis. Stat. § 946.91(2)(a).
 - b. On or about December 2, 2019, Applicant entered a plea of guilty in Dane County Circuit Court case number 2018CF2581, to an amended charge of

one (1) count of Theft-False Representation <=\$2500, a misdemeanor, in violation of Wis. Stat. § 943.20(1)(d).

4. On or about December 2, 2019, Applicant entered into a Deferred Prosecution Agreement in Dane County Circuit Court case number 2018CF2581. The Court withheld adjudication at that time.

5. The underlying allegations in Dane County Circuit Court case number 2018CF2581 are that Applicant submitted billing for services that could not properly be billed to Medicaid. Specifically, between February 6, 2015, and June 30, 2017, the Applicant billed for private duty nursing services alleged to have been performed on a patient who was inpatient at a hospital during this time.

6. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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. §§ 15.08(5)(c) and 227.44(5).

2. The Board may deny the renewal of a license if the practical nurse committed a violation of Wis. Stat. § 441.07(1g).

3. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b) and (d), 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. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b) and (d), Wis. Admin. Code § N 7.03(4)(b) by obtaining or attempting to obtain any compensation by fraud, misrepresentation, deceit, duress, or undue influence in the course of nursing practice.

5. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's license are necessary to ensure that applicant is fit and competent to practice as a practical nurse. Applicant is granted a licensed practical nurse license to practice nursing in the state of Wisconsin subject to the following limitations, terms, and conditions.

3. The licensed practical nurse license issued to Applicant (license no. 305581-31) to practice practical nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact (Compact), is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Applicant shall at her own expense, successfully complete three (3) hours of education on the topic of Ethics and three (3) hours of education on the topic of Professional Practice offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - i. Applicant 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.
- a. For a period of at least two (2) years from the date of this Order:
 - i. Applicant shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Applicant shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment 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.
 - ii. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Applicant practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates poor performance, the Board may institute additional limitations on Applicant's nursing license, or may suspend Applicant's nursing license(s), in its discretion
 - iii. Applicant shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee, who has received a copy of this Order.
 - iv. Applicant may not work in a home health care, hospice, pool nursing, or any work situation where she is responsible for her own billing.

- b. Applicant must comply with all conditions set forth by the Court in the Deferred Prosecution Agreement in Dane County Circuit Court case number 2018CF2581

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

5. After the first year from the date of this Order, Applicant may petition the Board on an annual basis for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, Applicant may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

6. Submission of information required by this Order shall be sent by Applicant 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

You may also submit this information online via DSPS Monitoring Case management System here:

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

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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:

Peter Kallis
A Member of the Board

2/13/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A PRACTICAL NURSE
LICENSE

TINA RIOS,
APPLICANT.

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STIPULATION

ORDER 0006642

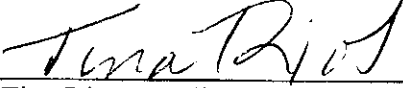
It is stipulated between Applicant and the Wisconsin Board of Nursing as follows:

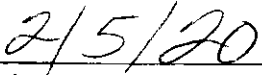
1. Applicant has filed an application to renew a practical nurse license.
2. Information received by the Board reflects a basis for denial of the renewal of the licensure.
3. Based upon the information of record herein, the Board agrees to issue, and Applicant agrees to accept, an Order granting a renewal of license as a practical nurse, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

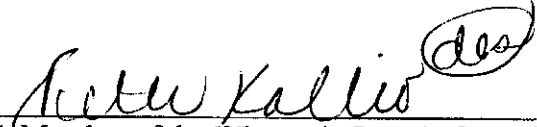
7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

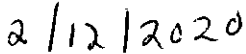
8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (ENLC) and Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the ENLC.


Tina Rios, Applicant
Madison, WI 53713
License no. 305581-31


Date


A Member of the Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53707-7190


Date