

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

ERICA L. MYHER, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0006801

Division of Legal Services and Compliance Case No. 18 NUR 699

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

Erica L. Myher, L.P.N.
Beloit, WI 53511

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 Erica L. Myher, L.P.N., (DOB: XX/XX/1985) is licensed in the state of Wisconsin as a practical nurse, having license number 318639-31, first issued on July 24, 2014, and current through April 30, 2021.

2. On November 14, 2017, Respondent was convicted, in Winnebago County 17th Judicial Circuit Court case number 2014TR39106, of two (2) counts of driving on suspended license, a class A misdemeanor, in violation of 625 ILCS 5.0 6-303(a).

3. On September 28, 2018, Respondent was convicted of the following in the Circuit Court of the 17th Judicial Circuit, Boone County, Illinois:

- a. Case number 2017CF290, one (1) count of aggravated driving under the influence, a class 4 felony, in violation of 625 ILCS 5.0 11-501(a).
- b. Case number 2017TR7920, one (1) count of driving on suspended license, a class A misdemeanor, in violation of 625 ILCS 5.0 6-303(a).

4. On May 16, 2019, Respondent was convicted in Walworth County Circuit Court case number 2019CT182 of one (1) count of operating without valid license (2nd within three (3) years), a misdemeanor, in violation of Wis. Stat. § 343.05(3)(a).

5. Respondent did not report any of these convictions within 48 hours of entry of the judgment of conviction.

6. Effective January 19, 2018, the state of Wisconsin joined the Enhanced Nurse Licensure Compact (eNLC).

7. In resolution of this matter, Respondent 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. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(1)(h), by failing to notify the board of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction, including the date, place, and nature of the conviction or finding.

3. By the conduct described in paragraph three (3) of the Findings of Fact, Respondent shall not receive or possess a multistate license pursuant to Wis. Stat. §§ 441.51(3)(c)7 and (g)2.

3. 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. Respondent is REPRIMANDED.

3. The multistate privilege of Respondent's practical nursing license (license number 318639-31) issued under the eNLC, is RESCINDED.

4. Respondent's single state practical nursing license (license number 318639-31) remains ACTIVE.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$160.00.

6. 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

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

<https://dspsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (318639-31), or Respondent's right to renew their 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: Peter Kallio, MD
A Member of the Board

5/14/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERICA L. MYHER, L.P.N.,
RESPONDENT.

STIPULATION

ORDER 0006801

Division of Legal Services and Compliance Case No. 18 NUR 699

Respondent Erica L. Myher, 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.

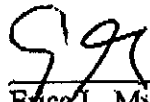
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Erica L. Myher, L.P.N., Respondent
Beloit WI 53511
License No. 318639-31

4-3-13-20

Date



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

4-7-2020

Date