

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 :
 : FINAL DECISION AND ORDER
CHERIE L. NELSON, R.N., :
RESPONDENT. : **ORDER 0006926**

Division of Legal Services and Compliance Case No. 19 NUR 495

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

Cherie L. Nelson, R.N.
Oshkosh, WI 54902

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 Cherie L. Nelson, R.N., (DOB xx/xx/1968) is licensed in the state of Wisconsin as a registered nurse, having license number 103908-30, first issued on March 16, 1990. Respondent's license expired on February 29, 2020.
2. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her registered nurse license upon payment of a late renewal fee through February 28, 2025.
3. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oshkosh, Wisconsin 54902.

4. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a State of Wisconsin Department of Corrections Institution (Institution), located in Oshkosh, Wisconsin.

5. On March 26, 2019, personnel at the Institution contacted the Oshkosh Police Department (OPD) to report suspicions that a nurse was having a sexual relationship with an inmate. This nurse was identified as Respondent.

6. On March 27, 2019, OPD interviewed the inmate in question. This inmate confirmed the allegations.

7. On April 3, 2019, OPD interviewed Respondent. After initial denials, Respondent admitted to engaging in activities of a sexual nature with the inmate.

8. On May 8, 2019, the Winnebago County District Attorney charged Respondent with 2nd Degree Sexual Assault by Correctional Staff.

9. On September 26, 2019, subsequent to a plea agreement, Respondent was convicted of one (1) count of 4th Degree Sexual Assault, a misdemeanor, in violation of Wis. Stat. § 940.225(3m), Winnebago County Circuit Court case number 2019 CF 264.

10. 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).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the right to renew the license number 103908-30) to practice nursing in the state of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact is accepted.

3. In the event Respondent petitions the Board for reinstatement as a nurse in the future, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a credential and whether to impose limitations or restrictions on any credential granted shall be in the discretion of the Board.

4. Any petitions for reinstatement and payment of costs, if applicable, shall be sent 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://dpsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

by: *Peter Kallio*
A Member of the Board

8/13/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHERIE L. NELSON, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 00069 26

Division of Legal Services and Compliance Case No. 19 NUR 495

Respondent Cherie L. Nelson, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

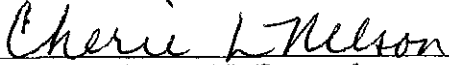
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.
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.


Cherie L. Nelson, R.N., Respondent
Oshkosh, WI 54902
License No. 103908-30

7/8/2020
Date


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

7/13/2020
Date