

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

JESSIE M. BURNS, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006984

Division of Legal Services and Compliance Case No. 18 NUR 552

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

Jessie M. Burns, R.N.
Memphis, TN 38104

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 Jessie M. Burns, R.N., (DOB: XX/XX/1957) is licensed in the state of Wisconsin as a registered nurse, having license number 136321-30, first issued on October 5, 2000 and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Memphis, Tennessee 38104.

2. At all times relevant to this proceeding, Respondent was employed as a traveling registered nurse.

3. On August 8, 2018, Respondent's assignment at a hospital in Grenada, Mississippi was terminated due to suspicion of impairment.

4. Respondent's probable cause urine drug screen was negative for all tested substances. The presence of alcohol was not tested.

5. Respondent denied being impaired.

6. During the investigation of the Mississippi allegations, the Department noted some irregularities and inconsistencies regarding Respondent's residency as applied to her Wisconsin multi-state nursing license which warranted further investigation.

7. Respondent's license renewal information is available for each biennium since 2012. For each renewal, Respondent listed Wisconsin as her primary residence.

8. Respondent's address history lists eight addresses since initial licensure. All of the addresses are in the Madison, Wisconsin area.

9. On February 21, 2020, in conjunction with her most recent license renewal, Respondent listed a "temp" address in Memphis, Tennessee.

10. During an investigation by the Georgia Board of Nursing, Respondent reported that she currently lived in Tennessee.

11. The Department obtained a report listing the addresses that Respondent has used on available public records. Of the 43 listed addresses, three were in Wisconsin.

12. On February 21, 2019, Respondent was issued a driver's license in Tennessee listing a Memphis address. An undated record lists an Illinois driver's license with a Joliet address.

13. On April 26, 2017 and July 3, 2017, Respondent was issued a Tennessee state identification card listing a Memphis address.

14. There is no evidence or indication that Respondent has ever been issued a Wisconsin driver's license or state identification card.

15. Respondent has two vehicles currently registered in Tennessee with a different Memphis address.

16. Wisconsin historical vehicle title records indicate Respondent may have had two vehicles registered in Wisconsin sometime between January 1, 2001 and March 30, 2012.

17. Available utility information indicates Respondent has services in her name at her listed Memphis address. There is no information provided indicating Respondent has had utility services in Wisconsin.

18. There are no entries (civil or criminal) for Respondent or any of her possible associated last names in CCAP.

19. The Department reviewed federal and state forms completed by Respondent.
- a. Respondent filed a Form WI WT-4A attesting she had no 2017 Wisconsin income, no Wisconsin withholding, and no Wisconsin estimated tax liability.
 - b. On August 30, 2018, Respondent completed a “Permanent Tax Residence Declaration” for her employing agency. This form specifies that the IRS determines one’s tax home residence as either the permanent tax residence immediately prior to the current assignment or a family member is utilizing the residence/the person utilizes the residence frequently for the purpose of their own lodging. She listed a Madison address.
 - c. Also, on August 30, 2018, Respondent completed a 2018 Form GA G-4 listing a Memphis address.
20. The Department reviewed three federal tax liens naming Respondent and filed between 2010 and 2019 for tax years ranging from 2002 through 2011. The liens list a Phoenix address for Respondent.
21. Dane County property records for Respondent’s purported current Madison address show it to be a single-family residence with the current resident/owner obtaining the property in May 2000. The conveyance records do not show Respondent ever having an interest in the property.
22. Internet research on the address listed on Respondent’s Tennessee driver’s license show it to be an entity called “Hub Haven” or “Hospitality Hub.”
23. A location report was completed on the address listed on Respondent’s Tennessee driver’s license. The last sale date of the property was December 31, 2016. The reported land usage is “Stores & Offices.” A review of the property’s associated entities indicate that it has never been used as private residential property.
24. Respondent’s self-reported work history since 2013, prepared for an employment application, showed employment in Arizona, California, New Mexico, and Tennessee. There is no evidence or indication that Respondent lived or worked in Wisconsin during that period.
25. On April 2, 2020, an Attorney with the Department emailed Respondent at the address on file requesting she provide her current Wisconsin permanent address. To date, the Department has not received a response to the request.
26. Pursuant to Wis. Stat. § 441.51(4)(c), if a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated.

27. Respondent has opted to surrender her license in lieu of potential discipline and does not admit to any wrongdoing.

28. 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 SURRENDER of the license and privilege of Respondent, (license no. 136321-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact is hereby accepted.
3. Respondent shall not petition the Board of Nursing for reinstatement for at least one (1) year from the date of this Order. In the event Respondent petitions the Board for reinstatement as a registered nurse in the future, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license shall be in the discretion of the Board.
4. In the event Respondent petitions the Board for reinstatement of her license to practice registered nursing in the state of Wisconsin or applies for another credential with the Department, Respondent shall pay the costs of this matter in the amount of \$1,479.00.
5. 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:

<http://dpsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

by:

A handwritten signature in black ink, appearing to be "K. J. [unclear]", written over a horizontal line.

A Member of the Board

9/10/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JESSIE M. BURNS, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006984

Division of Legal Services and Compliance Case No. 18 NUR 552

Respondent Jessie M. Burns, 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 Patricia Putney.
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.

Jessie M. Burns

Jessie M. Burns, Respondent
Memphis, TN 38104
License no. 136321-30

8/12/20

Date

Patricia Epstein Putney

Patricia Putney, Attorney for Respondent
Bell Moore & Richter SC
345 West Washington Ave Suite 302
Madison, WI 53703

8/12/20

Date



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

8/13/2020

Date