

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

PAGE 4/7 REC'D 1/19/2020 9:02:03 AM [Central Standard Time] PRD 082513032

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR  
A RESPIRATORY CARE PRACTITIONER  
CERTIFICATE

ORDER GRANTING  
LIMITED CERTIFICATE

DIANA L. RICE, RPC  
APPLICANT.

**ORDER 0007174**

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

DIANA L. RICE  
N2911 HINZ ROAD  
MERRILL, WI 54422

WISCONSIN MEDICAL EXAMINING BOARD  
P.O. BOX 8366  
MADISON, WI 53708-8366

FINDINGS OF FACT

1. Diana L. Rice (Applicant) filed an application for renewal (#404-28) of a Wisconsin RESPIRATORY CARE PRACTITIONER certificate.
2. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services is N2911 Hinz Road, Merrill, Wisconsin 54422.
3. Information received in the renewal application process reflects the following:
  - a. On May 19, 2020, Applicant was convicted of Retail Theft, a misdemeanor criminal offense, pursuant to a Judgment of Conviction entered in State of Wisconsin Lincoln County Circuit Court case number 2020CM000014.
  - b. Applicant failed to report the conviction to the Board within 30 days.
  - c. In connection with an application for periodic renewal of a Respiratory Care Practitioner certificate, Applicant knowingly misrepresented and/or was dishonest and provided false or misleading information to the Board.
4. Except as to the criminal conviction,<sup>1</sup> the Board finds that the conduct outlined above constitutes unprofessional conduct which raises concern for public health and safety.

<sup>1</sup> The Board does not find Applicant's conviction to be substantially related to the practice of a respiratory care practitioner.

PAGE 5/7 REC'D 11/19/2020 9:02:03 AM [Central Standard Time] PRD 082513032

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(2) 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, Applicant engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(1)(b) by knowingly engaging in fraud or misrepresentation or dishonesty in applying for or procuring a medical license, by examination for a medical license, or in connection with applying for or procuring periodic renewal of a medical license, or in otherwise maintaining such licensure.
3. By the conduct described in the Findings of Fact, Applicant engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(h) by failing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.
4. Applicant, by her conduct, is subject to limitations against her certificate pursuant to Wis. Stat. § 448.06(2) based upon considerations of public health and safety.

ORDER

1. The attached Stipulation is accepted.
2. Now, therefore, IT IS ORDERED that DIANA L. RICE's application for renewal of a RESPIRATORY CARE PRACTITIONER certificate is GRANTED subject to the following LIMITATIONS, TERMS, AND CONDITIONS.
3. The certificate issued to DIANA L. RICE to practice as a respiratory care practitioner in the state of Wisconsin is LIMITED as follows:
  - a. Applicant shall provide Applicant's respiratory care practitioner employer and probation officer with a copy of this Order before engaging in, or continuing to engage in, any employment as a respiratory care practitioner. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgment from each employer and her probation officer 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.
  - b. Applicant shall commit no new violation of law, and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.
  - c. Every 90 days for a period of no less one year, commencing 30 days from the date of this Order, Applicant shall file with the Board quarterly reports. Each report shall include the following:

PAGE 6/7 REC'D 11/19/2020 9:02:03 AM [Central Standard Time] PRD 082619032

- The name, address and telephone number of Applicant, and name, address and telephone number of Applicant's employer;
- A statement from the Applicant as to whether Applicant has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI and municipal/ordinance violations) during the term of the Order.
- A statement from Applicant's employer regarding Applicant's work performance.
- A statement from Applicant's probation officer regarding the status of Application's probation, including whether Applicant has complied with all terms and conditions of probation in the referenced time period.

4. Applicant may petition the Board, via Department Monitor, for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms and conditions of the Order for at least one (1) year. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

5. Applicant is responsible for all costs associated with compliance with this educational requirement.

6. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

7. Applicant is responsible for compliance with all of the terms and conditions of this Order. Applicant shall notify Department Monitor within 48 hours of any suspected violations of any of the terms and conditions of this Order.

8. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, emailed, faxed or delivered to:

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>

9. In the event that the Applicant violates any term of this Order, Applicant's certificate may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing,

until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance 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 investigation and action.

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

Dated at Madison, Wisconsin this 23 day of November, 2020.

WISCONSIN MEDICAL EXAMINING BOARD

By: Shelton A. Wacker, MD  
A Member of the Board

PAGE 7/7 REC'D 11/19/2020 9:02:03 AM Central Standard Time PRD 082513032

PAGE 27 REC'D 11/19/2020 9:02:03 AM [Central Standard Time] PRD 082513032

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR  
A RESPIRATORY CARE PRACTITIONER  
CERTIFICATE

DIANA L. RICE, RCP  
APPLICANT.

STIPULATION

**ORDER 0007174**

It is stipulated between the Applicant and the Wisconsin Medical Examining Board (Board) as follows:

1. The Applicant has filed an application for renewal of a Respiratory Care Practitioner certificate.
2. Information received by the Board reflects a basis for denial of certificate.
3. Based upon the information of record, the Board agrees to issue, and the Applicant agrees to accept, an Order granting renewal of the certificate to practice respiratory care 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 the 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 Certificate by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited Certificate 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 Certificate is a public record and will be published in accordance with standard procedure.

*Diana L. Rice*  
 Diana L. Rice, Applicant  
 N2911 Hinz Road  
 Merrill, WI 54422  
 Application No. 404-28

11/19/20  
 Date

*Sharon A. Walker, MD*  
 A Member of the Medical Examining Board  
 Department of Safety and Professional Services  
 P.O. Box 8366  
 Madison, WI 53707-8366

11/23/2020  
 Date

PAGE 3/7 REC'D 11/19/2020 9:02:03 AM [Central Standard Time] PRD 082813032