

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

JULIE A. TEWS, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007255

Division of Legal Services and Compliance Case No. 20 NUR 327

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

Julie A. Tews, R.N.
Oak Creek, WI 53154

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 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 Julie A. Tews, R.N. (DOB xx-xx-1969), is licensed in the state of Wisconsin as a registered nurse, having license number 178104-30, first issued on August 5, 2011, 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 Oak Creek, Wisconsin 53154.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a home health agency in Germantown, Wisconsin (Agency).

3. On the weekend of June 20-21, 2020, Respondent provided care to six (6) patients in their homes.

4. The Agency required Respondent's charting of those weekend patient visits to be submitted by Monday at 8:00 a.m.

5. On Sunday, June 21, 2020, Respondent texted her supervisor at the Agency that she was struggling with family issues. She attached an article to the text that referred to the "rapture" and the "Anti-Christ."

6. On Monday, June 22, 2020, at 9:24 a.m., 12:31 p.m., and 5:05 p.m., Respondent's supervisor texted her asking that she submit her charting for her weekend patient visits as soon as possible. Respondent did not respond and did not submit her charting.

7. On Tuesday, June 23, 2020, at 6:45 a.m., 10:34 a.m., and 3:04 p.m., Respondent's supervisor texted her again asking her to submit her charting as soon as possible. Respondent responded that she was working on it but did not submit her charting.

8. On Wednesday, June 24, 2020, at 2:24 p.m., 3:17 p.m., and 3:48 p.m., Respondent's supervisor texted her again asking her to submit her charting. The 3:48 p.m. text advised that patient care was now in jeopardy due to her delay in charting. Respondent did not respond and did not submit her charting.

9. On Thursday, June 25, 2020, at 8:54 a.m., Respondent texted her supervisor at the Agency that she could not submit her charting because she has "so many people who need me." Respondent said in part, "Think they are believers but are to 'busy' to really be TRUE BELIEVERS."

10. The Agency terminated Respondent's employment on June 25, 2020.

11. When Respondent failed to promptly return company property, the Agency informed her the police would be called. Respondent texted the Agency in part, "If you don't go on my Facebook page and LISTEN TO WHAT I AM TRYING TO TELL YOU BEFORE ITS TOO LATE...you will regret it! Too busy for God huh??? And here in lies the problem that is about to be taken care of!! Storms are coming. You've been warned." Respondent later returned most of the property to the Agency.

12. Respondent underwent in-patient psychiatric treatment for ten (10) days from June 27, 2020 to July 6, 2020, and is currently taking Abilify.

13. 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).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin Code N § 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety. Actual injury to a patient need not be established.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin Code N § 7.03(6)(g), by being unable to practice safely by reason of psychological impairment or mental disorder.

4. 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's license to practice as a registered nurse in the state of Wisconsin (license number 178104-30), is **SUSPENDED** for an indefinite period.

3. The privilege of Respondent to practice as a registered nurse in the state of Wisconsin under the authority of another state's license pursuant to the Enhanced Nurse Licensure Compact is also **SUSPENDED** for an indefinite period.

4. The suspension of Respondent's Wisconsin nursing license may be **STAYED** upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent is in compliance with the following provisions:

- a. Within ninety (90) days Respondent shall, at her own expense, undergo and complete a fitness to practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit to practice.
- b. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.
- c. Respondent shall identify all physicians, mental health professionals, and facilities with whom Respondent has been treated or evaluated. Respondent shall provide the Evaluator with authorizations to communicate with those providers so identified.
- d. Within fifteen (15) days of completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with her ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.

- e. Respondent shall execute necessary documents authorizing the Department to obtain records of the evaluation, and to discuss Respondent and her case with the Evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
- f. If the Evaluator determines that Respondent is not fit to practice or is fit to practice with limitations, the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable skill and safety with patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- g. If the Evaluator determines that Respondent is fit to practice or is fit to practice with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
 - 1. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
 - 2. Additional professional education in any identified areas of deficiency.
 - 3. A Board-approved nursing refresher course.
 - 4. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- h. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.
- i. Respondent shall report to the Board any change in employment status, residence, address, or telephone number within ten (10) days of the date of the change. This report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.

5. In addition to any other action authorized by this Order or law, the Board, in its discretion, may impose additional limitations or pursue separate disciplinary action for violation of any term of this Order.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$471.00.

7. Request for pre-approval, any documentation required by this Order, and 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

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


www.dspsmonitoring.wi.gov

8. In the event Respondent violates any term of this Order, Respondent's license (no. 178104-30), or Respondent's right to renew her 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.

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

WISCONSIN BOARD OF NURSING

By:


A Member of the Board

11 March 2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JULIE A. TEWS, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0007255

Division of Legal Services and Compliance Case No. 20 NUR 327

Respondent Julie A. Tews, 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.

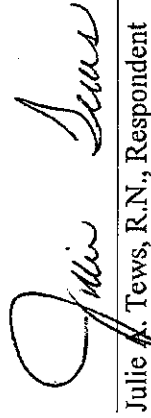
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Julie A. Tews, R.N., Respondent
Oak Creek, WI 53154

License No. 178104-30

2-2-21

Date



Julie Zimmer, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190

Madison WI 53707-7190

2/23/2021

Date