

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF :  
 :  
HEATHER L. HERWICK, R.N., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
 : **ORDER 0007737**

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Division of Legal Services and Compliance Case No. 19 NUR 469

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

Heather L. Herwick, R.N.  
Siren, WI 54872

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Licensee Heather L. Herwick, R.N., (Year of Birth 1978) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 191246-30, first issued on July 12, 2012, and current through February 28, 2022. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Siren, Wisconsin 54872.

2. At all times relevant to this proceeding, Licensee was employed as a registered nurse and health and wellness coordinator at a managed care organization in Spooner, Wisconsin (MCO).

3. Between January and July 2019, Patient A, a non-verbal male with Down's Syndrome born in 1966, lived with his elderly mother (Mother). The MCO managed Patient A's

care and Licensee was the person responsible at the MCO to monitor and evaluate intervention for Patient A's activities of daily living and physical health.

4. The MCO contracted with a community support provider to assist Patient A with bathing and dressing three times per week, and Meals on Wheels to provide Patient A with five meals per week. According to Patient A's care plan prepared by Licensee, Mother was to help Patient A on days the community support provider was not there. Mother was also responsible to call in and pick up Patient A's prescriptions.

5. On April 10, 2019, Licensee made a scheduled home visit to check on Patient A. Mother reported that Patient A was doing well and his needs were being met. The progress notes state Patient A "has not had any medication changes this past service period."

6. On May 13, 2019, Mother's home care nurse called Licensee to report there were concerns that Mother was not able to care for herself or Patient A. Patient A had lost weight and there was little food in the house, and Mother could not recall how many children she had or how much money she had. Mother's physician had contacted social services. The MCO contacted the community support provider to request daily visits to bathe Patient A and prepare his meals.

7. On May 14, 2019, Licensee conducted a drop-in home visit to check on Patient A. Licensee noted that Mother did not understand how to use the telephone and was confused as to where she lived. The MCO called social services.

8. On May 30, 2019, Licensee conducted another drop-in visit to check on Patient A. Licensee reviewed Patient A's medical records, which showed Patient A had lost 45 pounds in the past six months. Licensee charted that Patient A did not appear in any distress and she would continue to monitor.

9. On July 26, 2019, Mother was hospitalized and Patient A was placed in respite care.

10. According to pharmacy records, Patient A's monthly loratadine oral solution 5mg/5ml and oxybutynin chloride syrup 5mg/5ml prescriptions were not filled between March 11, 2019 and July 27, 2019.

11. Licensee admits she should have paid more attention to Patient A's prescriptions after it was clear Mother could no longer manage them. However, Licensee maintains that she was concentrating more on Patient A's immediate safety and guardianship issues.

12. This Final Decision and Order for Education does not constitute professional discipline and the Board has made no finding that Licensee engaged in unprofessional conduct.

13. In resolution of this matter, Licensee consents to the entry of the following Conclusion of Law and Order.

CONCLUSION OF LAW

1. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Licensee shall at her own expense take and successfully complete three (3) hours of education on the topic of implementing and monitoring care plans in behavioral health settings, as follows:
  - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
  - b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board and may not be used in any future attempt to upgrade a credential.
  - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
3. Requests for course approval and proof of successful course completion shall be sent by Licensee 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dpspsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By: *Gregory J. Gelatawski*  
A Member of the Board

12/9/2021  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF  
HEATHER L. HERWICK, R.N.,  
LICENSEE.

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STIPULATION  
**ORDER 0007737**

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Division of Legal Services and Compliance Case No. 19 NUR 469

Licensee Heather L. Herwick, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

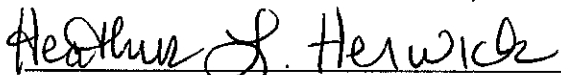
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

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 Licensee, 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



Heather L. Herwick, R.N., Licensee  
Siren, WI 54872  
License No. 191246-30

11-18-2021  
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

11/23/2021  
Date