

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

NANCY J. HICKS, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER # 6938

Division of Legal Services and Compliance Case No. 20 NUR 246

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

Nancy J. Hicks, R.N.
Augusta, WI 54722

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708

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 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. Nancy J. Hicks, R.N. (Respondent), (Year of Birth 1957) is licensed in the state of Wisconsin as a registered nurse, having license number 110820-30, first issued on September 11, 1992, and current through February 28, 2022.¹ Respondent's multistate privilege is currently suspended. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is, Augusta, Wisconsin 54722.

¹ Respondent applied for renewal of her registered nurse license. The Board has not yet acted on that application. Per Wis. Stat. § 227.51(2), Respondent's registered nurse license remains active until the Board acts upon her application for renewal.

2. On February 7, 2020, Respondent was charged in Eau Claire County Circuit Court case number 20CF232 with two (2) counts of child abuse-intentionally cause harm, a class H felony, in violation of Wis. Stat. § 948.03(2)(b), and one (1) count of strangulation and suffocation, a class H felony, in violation of Wis. Stat. § 940.235(1).

3. On August 13, 2020, the Board issued an Interim Order (Order No. 6938) that placed a number of limitations on Respondent's license until the Board issued a Final Decision and Order in this matter.

4. On March 16, 2022, Respondent pled guilty to an amended charge of Child Abuse-Recklessly Cause Harm, a class I felony, in violation of Wis. Stat. § 948.03(3)(b), with the condition that the Court will accept the plea but will not enter a judgment of conviction during the 24-month period of the Deferred Prosecution Agreement (DPA). Some of the conditions of the DPA include 20 hours of community service, comply with all rules and conditions of DHS, no violent, threatening, or harassing contact with the sixteen-year-old subject, and no physical discipline of the sixteen-year-old subject.

5. Respondent's multistate privilege to practice nursing outside of Wisconsin in other Compact states was suspended following her guilty plea addressed in paragraph 4.

6. The sixteen-year-old subject is currently living with Respondent and her husband. Respondent is currently employed as a registered nurse at an assisted living and rehabilitation center.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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 a law substantially related to the practice of nursing within the meaning of Wis. Admin. Code § N 7.03(2).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 110820-30) is **SUSPENDED** as follows:

a. The license of Respondent to practice as a nurse in the state of Wisconsin is **SUSPENDED** for a period of six (6) months.

- b. The privilege of Respondent to practice as a nurse in the state of Wisconsin under the authority of another state's license pursuant to the Enhanced Nurse Licensure Compact (Compact) is also SUSPENDED for a period of six (6) months.
 - c. The suspension is stayed.
 3. Respondent's license to practice as a registered nurse (license number 110820-30), and privilege to practice in Wisconsin pursuant to the Compact, are LIMITED as follows:
 - a. For a period of at least two (2) years from the date of this Order:
 - i. Respondent shall provide her nursing employer with a copy of this Order before engaging or continuing to engage in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer 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.
 - ii. During the term of this Order, Respondent may work under general supervision. Respondent must have a supervisor and may not work as a contract nurse. Respondent shall only work in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting. Respondent shall not work with or provide cares for anyone under the age of eighteen (18), unless first receiving approval from the Board or the Board Monitoring Liaison. Whether or not to provide approval for Respondent to work with or provide cares for anyone under the age of eighteen (18) is solely within the Board's discretion.
 - iii. For a period of at least two years, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor monthly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
 - iv. Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
 - v. Respondent must comply with all the terms and conditions of her Deferred Prosecution Agreement and probation. Any violation of those terms and conditions is a violation of this Order, and may result in the removal of the stay and the immediate suspension of her license.

- vi. Respondent may petition the Board for reinstatement of her multistate privilege upon successful completion of the terms of her Deferred Prosecution Agreement.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,064.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 110820-30), 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.
7. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By:

Jane Malabre RN
A Member of the Board of Nursing

Date

6/9/22

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NANCY J. HICKS, R.N.,
RESPONDENT.

STIPULATION

ORDER # 6938

Division of Legal Services and Compliance Case No. 20 NUR 246

Nancy J. Hicks, R.N. (Respondent), 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 Christopher Wilhelm.
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

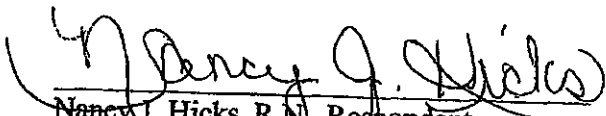
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Nancy J. Hicks, R.N., Respondent
Augusta, WI 54722
License No. 110820-30

05-20-2022
Date



Christopher Wilhelm, Attorney for Respondent
Cohen Law Offices, LLC
17 S. Barstow St.
P.O. Box 1938
Eau Claire, WI 54702-1938

5-20-22
Date



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

5/24/2022
Date