

## 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

CARRIE J. HERBST, R.N.,  
RESPONDENT.

:  
:  
:  
:  
:

INTERIM ORDER

**ORDER 0007866**

Division of Legal Services and Compliance Case No. 21 NUR 610

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

Carrie J. Herbst, R.N.  
Waunakee, WI 53597

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 an Interim Order in 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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Respondent Carrie J. Herbst, R.N., (Year of Birth 1980) 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 165315-30, first issued on September 17, 2008, 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 Waunakee, Wisconsin 53597.

2. On October 12, 2021, in Monroe County Circuit Court Case No. 2021CF000659, Respondent was charged with one count of First Degree Reckless Homicide, a class B felony, in violation of Wis. Stat. § 940.02(1), one count of Homicide by Intoxicated Use of Vehicle, a class D felony, in violation of Wis. Stat. § 940.09(1)(a), one count of First Degree Reckless Injury, a

class D felony, in violation of Wis. Stat. § 940.23(1)(a), one count of Injury by Intoxicated Use of a Vehicle, a class F felony, in violation of Wis. Stat. § 940.25(1)(a), and two counts of First Degree Recklessly Endangering Safety, a class F felony, in violation of Wis. Stat. § 941.30(1). Respondent is accused of causing the death of one person and injuring another. As of the date of this Order, this case has not resolved.

3. As of the date of this Order, the Board has not determined whether Respondent violated any statutes or rules related to the practice of nursing.

4. Respondent voluntarily agrees to suspend her practice as a registered nurse in the state of Wisconsin, and in any other state under her multistate privileges, pursuant to the Compact, pending the final resolution of DLSC Case No. 21 NUR 610, and therefore consents to the entry of the following Conclusion of Law and Order.

5. Respondent's consent to the entry of this Interim Order does not constitute an admission of guilt of the allegations referenced in paragraph 2 above, or of any act of professional misconduct.

#### CONCLUSION OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulation for an Interim Order pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The Stipulation of the parties is accepted.

2. Respondent's license to practice as a registered nurse in the state of Wisconsin (license no. 165315-30), and her privilege to practice in Wisconsin or any other state pursuant to the Compact, are SUSPENDED during the pendency of this disciplinary matter.

3. The suspension shall remain in effect until the Board issues a Final Decision and Order in DLSC Case No. 21 NUR 610.

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

WISCONSIN BOARD OF NURSING

By: Q. Bohmeyer DSPS Chief Legal Counsel, 2/25/2022  
A Member of the Board Delegatee Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CARRIE J. HERBST, R.N.,  
RESPONDENT.

STIPULATION  
FOR INTERIM ORDER  
**ORDER 0007866**

Division of Legal Services and Compliance Case No. 21 NUR 610

Carrie J. Herbst, 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 in the course of a pending investigation by the Division of Legal Services and Compliance.

2. Respondent is aware of her 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 T. Van Wagner.


3. Respondent agrees to the adoption of the attached Interim Order by the Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Interim Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the attached Interim Order, if adopted in the form as attached.

4. 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 be returned to the Division of Legal Services and Compliance for further proceedings. In the event this 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.

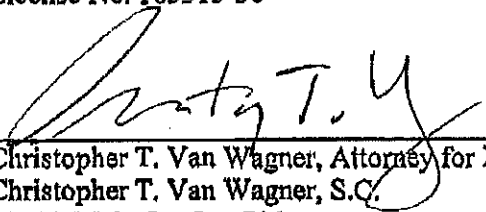
5. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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 Interim Order.

6. Respondent is informed that should the Board adopt this Stipulation, the Board's Interim Order is a public record and will be published in accordance with standard Department procedure.

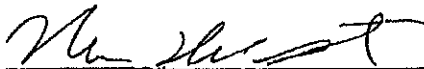
7. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Interim Order.

  
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Carrie J. Herbst, R.N., Respondent  
Waunakee, WI 53597  
License No. 165315-30

2-2-22  
Date

  
\_\_\_\_\_  
Christopher T. Van Wagner, Attorney for Respondent  
Christopher T. Van Wagner, S.C.  
110 E. Main St., Ste. 705  
Madison, WI 53703

2/3/22  
Date

  
\_\_\_\_\_  
Nicholas Dalla Santa, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

2/4/22  
Date