

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

JOLINDA A. FERRELL, R.N., A.P.N.P.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER

:
: ORDER 0007883
:

Division of Legal Services and Compliance Case No. 21 NUR 437

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

Jolinda A. Ferrell, R.N., A.P.N.P.
Kelseyville CA 95451

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, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Jolinda A. Ferrell, R.N., A.P.N.P. (Respondent), (Year of Birth 1960) 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 103089-30, first issued on October 12, 1989, and current through February 28, 2022.¹ Respondent is also certified as an advanced practice nurse prescriber, having certificate number 5700-33, first issued on March 3, 2014, and current through September 30, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Kelseyville, California 95451.

¹ Respondent retains a five (5) year right to apply for renewal of her credential pursuant to Wis. Stat. § 440.08(3).

2. At all times relevant to this proceeding, Respondent was employed as a nurse practitioner in California.

3. On April 15, 2021, the California Board of Nursing approved a stipulated Settlement and Disciplinary Order (CA Order) with an effective date of July 14, 2021.

4. The CA Order was the result of Respondent hosting spa days at her home, and injecting coworkers with Botox and lip injections, without oversight by a medical director.

5. The CA Order revoked Respondent's California nursing license, stayed the revocation, and placed Respondent on three (3) years' probation with additional limitations.

6. 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. Pursuant to Wis. Stat. § 441.51(4)(d), if a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

3. By the conduct described in the Findings of Fact, Respondent had a license to practice nursing denied, revoked, suspended, limited, or Respondent was otherwise disciplined in another state, territory, or country within the meaning of Wis. Admin. Code § N 7.03(1)(b).

4. By the conduct described in the Findings of Fact, Respondent departed from or failed 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 within the meaning of Wis. Admin. Code § N 7.03(6)(c).

5. By the conduct described in the Findings of Fact, Respondent practiced beyond the scope of practice permitted by law, within the meaning of Wis. Admin. Code § N 7.03(1)(e).

6. 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 multistate privileges pursuant to the Compact are deactivated. Respondent retains a single-state license to practice as a registered nurse in Wisconsin, along with nurse prescriber privileges.

3. Respondent's license to practice as a registered nurse (license no. 103089-30), and her certificate to practice as an advanced practice nurse practitioner (certificate no. 5700-33), along with any right to apply for renewal of such credentials, are **SUSPENDED** for one (1) month, with an immediate **STAY** of the suspension.

4. For a period of at least two (2) years from the date of this Order, Respondents' nursing credentials identified in paragraph three (3), are **LIMITED** as follows:

- a. While working as a nurse in Wisconsin, Respondent shall practice only under the supervision of a licensed nurse or other licensed health care professional, approved by the Board or its designee, who has received a copy of this Order.
- b. While working as a nurse in Wisconsin, Respondent shall practice only in a work setting pre-approved by the Board or its designee. Requests for pre-approval must be accompanied by a current job description, name and contact information of the supervisor, and written acknowledgement from the employer that a copy of this Order and any subsequent orders modifying this original Order have been received and that the restrictions will be accommodated.
- c. While working as a nurse in Wisconsin, it is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates less than satisfactory performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, its discretion.
- d. While working as a nurse in Wisconsin, Respondent shall not perform any Botox injections and lip injections.

5. Respondent's nursing credentials identified in paragraph three (3) are **FURTHER LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete the Wisconsin Nurse Practice Act course provided by the NCSBN, including taking and passing any exam offered for the course.
- b. Respondent 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 or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison

may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

6. Respondent shall comply with the California order, as long as her license to practice nursing in California remains active and she is practicing nursing in California. A violation of the California order is a violation of this Order.

7. After the first year from the date of this Order, Respondent may petition the Board on an annual basis for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, the Respondent may petition the Board for return of full single-state licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

8. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$995.00.

9. 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://dspsmonitoring.wi.gov>

10. In the event Respondent violates any term of this Order, Respondent's nursing credentials (license no. 103089-30 and certificate no. 5700-33), or Respondent's right to apply for renewal of her credentials, may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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.

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

WISCONSIN BOARD OF NURSING

By:



A Member of the Board

3/10/2022

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOLINDA A. FERRELL, R.N., A.P.N.P.,
RESPONDENT.

STIPULATION

ORDER 0007883

Division of Legal Services and Compliance Case No. 21 NUR 437

Jolinda A. Ferrell, R.N., A.P.N.P. (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 Mario Mendoza.

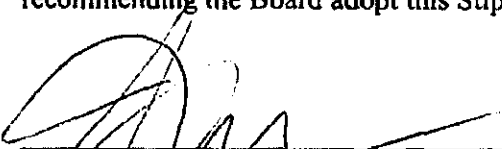
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

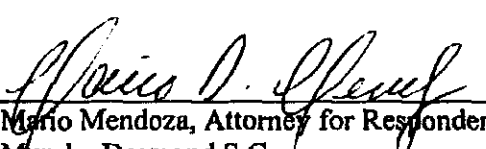
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jolinda A. Ferrell, R.N., A.P.N.P., Respondent
Kelseyville, CA 95451
License no. 103089-30
Certificate no. 5700-33

Date


2/11/2022



Mario Mendoza, Attorney for Respondent
Murphy Desmond S.C.
33 East Main Street, Suite 500
Madison, WI 53703

Date

2/14/2022



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

Date

February 15, 2022