

## 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 DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
SUSAN A. VAN DE HEY, R.N., :  
RESPONDENT. :

**ORDER 0007921**

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Division of Legal Services and Compliance Case No. 20 NUR 453

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

Susan A. Van De Hey, R.N.  
New London, WI 54961-8835

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 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. Susan A. Van De Hey, R.N. (Respondent), (Year of Birth 1964) is licensed in the state of Wisconsin as a registered nurse, having license number 134894-30, first issued on May 2, 2000, 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 New London, Wisconsin 54961-8835.

2. At all times relevant to the proceedings, Respondent was employed as a registered nurse at a nursing home (Facility) in Clintonville, Wisconsin.

3. Resident A is an adult male resident at Facility with a Brief Interview for Mental Status (BIMS) score of 15, indicating intact cognition.

4. Sometime between July 5 and July 18, 2020, while in Resident A's private room at the Facility, Respondent prodded Resident A's genital area to withdraw his inverted penis. Respondent did so at the request of Resident A and believed the encounter was consensual.

5. On July 27, 2020, Respondent was terminated from her position at the Facility after failing to adhere to a Performance Improvement Plan related to medication documentation and staff meeting attendance.

6. On August 17, 2020, Resident A reported the encounter described in paragraph 4 to Facility staff. On that same day, the Facility began an investigation and interviewed Respondent. During the interview, Respondent reported the encounter, as well as a separate incident when Resident A kissed Respondent on the lips. Respondent did not document or report either incident at the time they occurred.

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 principles of professional boundaries, including failing to establish, maintain, or communicate professional boundaries with the patient within the meaning of Wis. Admin. Code § N 7.03(4)(e)1.a.

3. By the conduct described in the Findings of Fact, Respondent engaged in sexual misconduct, including conduct that may reasonably be interpreted by a patient as sexual within the meaning of Wis. Admin. Code § N 7.03(4)(f)1.b.

4. By the conduct described in the Findings of Fact, Respondent engaged in unsafe practice or substandard care by failing to observe the conditions, signs and symptoms of a patient, record them, or report significant changes to the appropriate person within the meaning of Wis. Admin. Code § N 7.03(6)(p).

5. 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 no. 134894-30) is **SUSPENDED** for three months from the date of this Order.

3. Respondent's license to practice as a registered nurse (no. 134894-30) is **LIMITED** as follows:

- a. Within 90 days of the date of this Order, Respondent shall at her own expense, successfully complete five hours of education on the topic of documentation, three hours of education on the topic of ethics and professionalism, and three hours of education on the topic of professional boundaries, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
  - 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.
4. Within six months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,958.00.
  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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (no. 134894-30), 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:

  
\_\_\_\_\_

A Member of the Board of Nursing

4/14/2022

\_\_\_\_\_

Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SUSAN A. VAN DE HEY, R.N.,  
RESPONDENT.

:  
:  
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:  
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STIPULATION

**ORDER 0007921**

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Division of Legal Services and Compliance Case No. 20 NUR 453

Susan A. Van De Hey, 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.

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.

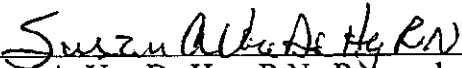
5. If the terms of this Stipulation are not acceptable to the Board the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

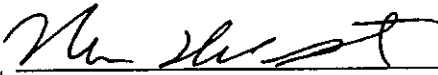
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
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Susan A. Van De Hey, R.N., Respondent  
New London, WI 54961-8835  
License No. 134894-30

2/10/2022  
Date

  
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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

3/4/22  
Date