

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A
REGISTERED NURSE CREDENTIAL

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ORDER GRANTING
LIMITED LICENSE

ERIN L. RHEA, R.N.,
APPLICANT.

ORDER 0008047

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

Erin L. Rhea
Cedarburg, WI 53012

Wisconsin Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application. The Wisconsin Board of Nursing (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

I. On or about February 29, 2020, Erin L. Rhea (Applicant) filed an application to renew a Wisconsin Registered Nurse credential (#151501-30).

II. Information received in the application process reflects that the Applicant has the following pending charge from June 10, 2019:

A. Disorderly Conduct, a misdemeanor offense:

1. The criminal complaint states police were dispatched to a department store for a report that a baby had been left alone in a vehicle for approximately thirty (30) minutes. Police obtained the vehicle owner information and had the store page Applicant. Inside Applicant's vehicle, police found Applicant's seventeen (17) month old child in the back seat. The windows of the vehicle were cracked approximately three (3) inches and the sunroof was completely retracted. Applicant's child was sitting calmly in the back seat. The outside temperature was in the low seventies (70s), sunny, and clear. Police unlocked the car by simply reaching inside

the vehicle through the opening left by Applicant. Applicant's child was evaluated by medical personnel and was found not to have suffered any trauma or injury. After being paged, Applicant stated to police that she had intentionally left her daughter and did not seem overly concerned with the fact police responded to check on her child. A store employee reported to police that when Applicant arrived at the desk after being paged in the store, Applicant was informed her child was left alone in the vehicle and the police had responded to the scene, to which the Applicant responded with, "and?" Police noted access to a highway is five (5) minutes from the department store parking lot and that in the span of thirty (30) minutes, someone removing the child from the vehicle, entering the highway, and driving the speed limit could have been almost thirty (30) miles away by the time Applicant came out after being paged.

2. Applicant states she was running errands with her daughter who had fallen asleep in the car. Believing her daughter would remain asleep for an extended period of time, Applicant foolishly decided to open the front windows three (3) inches, open the sunroof, and leave her daughter in the locked car while Applicant ran into the store to shop. Applicant states she believes at no time was her daughter upset or in any danger. Applicant states she had worked as a nurse for over sixteen (16) years. Applicant states she greatly regrets her decision to leave her daughter sleeping in the car while she went shopping.

B. On or about October 25, 2021, Applicant entered into a twelve (12) month deferred prosecution agreement wherein she entered a plea of no contest to the above disorderly conduct charge. Applicant is required to:

1. Have no new criminal law violations rising to the level of probable cause during the pendency of the agreement,
2. Attend parenting classes,
3. Attend any follow-up treatment as the counselor/therapist deems appropriate with the counselor/therapist filing a written monthly report to the District Attorney's Office certifying the Applicant's compliance with the deferred prosecution agreement,
4. Have no violent contact with the child victim, and
5. Continue compliance with the conditions of her Bail/Bond.

III. The United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) has run a long-standing public information campaign. NHTSA's home

webpage highlights their publication regarding the Prevention of Hot Car Deaths of children, which includes the following¹:

- A. It is never okay to leave a child alone in or around a car for any reason.
- B. Even in cooler temperatures, [a] vehicle can heat up to dangerous temperatures very quickly. An outside temperature in the mid-sixties (60s) can cause a vehicle's inside temperature to rise above one hundred and ten degrees (110°) Fahrenheit. The inside temperature of [a] car can rise almost twenty (20) degrees Fahrenheit within the first ten (10) minutes.
- C. Never leave a child in a vehicle when running errands, even for a minute.
- D. Rolling down a window does little to keep a vehicle cool, and heatstroke deaths have occurred even in vehicles parked in shaded areas.
- E. Bystanders can also play an important role in saving a life – if you see a child alone in a vehicle, call 911 and get help immediately.

IV. In resolution of this matter, Applicant 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. § 441.06 and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

2. Pursuant to Wis. Stat. § 440.08(4), the Board may deny a renewal if it is necessary to protect the public health, safety, or welfare.

3. Abandonment of one's own child raises concerns regarding potential patient abandonment, where a change in status could happen suddenly. Neglecting to perform basic safety checks for one's own child raises concerns regarding patient neglect or basic safety, health, or welfare checks of patients.²

4. The circumstances of Applicant's offense reveal the trait of gross disregard or incompetency surrounding caring for and ensuring the safety of children and other vulnerable individuals. These circumstances are likely to reappear in the regular duties of a Registered Nurse.

¹ <https://www.nhtsa.gov/> accessed April 29, 2022. See also NHTSA web publication on child safety available at: <https://www.nhtsa.gov/road-safety/child-safety#topic-heatstroke> accessed April 29, 2022, <https://www.nhtsa.gov/press-releases/nhtsa-highlights-importance-car-seats-and-child-passenger-safety> accessed April 29, 2022.

² Although no harm occurred, the child could easily have been abducted or harmed. Akin to unprofessional conduct, the Board is concerned that Applicant departing from or failing to conform to the minimal standards of basic care and risk assessment in caring for her own vulnerable baby; actual injury need not be established.

5. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. § 440.08(4).

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that she is fit and competent to practice as a Registered Nurse.
3. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and her privilege to practice pursuant to the Enhanced Nurse Licensure Compact (Compact), is LIMITED as follows:

- A. For a period of at least one (1) year from the date of this Order:
 - i. Applicant shall provide Applicant's nursing employer with a copy of this Order before engaging in, or continuing to engage in, any nursing employment. Applicant shall provide the Department of Safety and Professional Services Monitor (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. It is Applicant's responsibility to arrange for written reports from her direct supervisor to be provided to the Department Monitor on a quarterly basis. These reports shall assess Applicant's work performance, attendance and include the number of hours of active nursing practice worked during that quarter.
 - iii. During the pendency of this Order, Applicant may only assist with treatment of patients under the age of eighteen (18), and only under the direct supervision of a licensed nurse or other licensed health care professional.
 - iv. Applicant shall practice only in a work setting pre-approved by the Board or its designee. Applicant shall not work in a home health care, hospice, pool nursing, assisted living, agency-setting, in a skilled nursing facility, or as a nurse in a correctional setting.
 - v. Within forty-five (45) days of the date of this Order, Applicant shall complete three (3) hours of continuing education on the topic of nursing ethics and patient abandonment.

1. The course(s) must be pre-approved by the Board or its designee. Applicant 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. Applicant must take and pass any exam offered for the course(s).
 2. Applicant 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 education requirements that have been or may be instituted by the Board or Department.
 3. Within seven (7) days of the completion of the course(s), Applicant shall write and submit a statement summarizing what Applicant learned and how Applicant will incorporate the information into Applicant's daily practice as a Registered Nurse. The statement shall be submitted to the Department Monitor at the address stated below
- vi. Applicant shall maintain compliance with the terms of her Deferred Prosecution Agreement, dated October 25, 2021, in Ozaukee County Case number 21CF154.
 - vii. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.
 - viii. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.
4. Applicant may petition the board for full, unrestricted licensure at any time upon submission of proof satisfactory to the Board that Applicant has successfully completed all of the terms of her Deferred Prosecution Agreement and that the Disorderly Conduct charge has been dismissed in Ozaukee County Case number 21CF154.
 5. Applicant may also petition the Board for full, unrestricted licensure upon demonstration of continuous, successful compliance with the terms of the Order for at least one (1) year, including at least 600 hours of active nursing practice each year. "Practice in compliance" includes the submission of reports, the content of which are satisfactory to the Board.
 6. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, while her license is encumbered by any limitation or restriction imposed by this Order.

7. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered 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) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case management System, here: <https://dspsmonitoring.wi.gov>

8. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license, 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 Applicant 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.

9. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN BOARD OF NURSING

By: Dr. Janice Edelstein, R.N. /ALC
A Member of the Board

07/21/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A
REGISTERED NURSE CREDENTIAL

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STIPULATION

ERIN L. RHEA, R.N.,
APPLICANT.

ORDER 0008047

It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application to renew a Registered Nurse license.
2. Information received by the Board reflects a basis for denial of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a Registered Nurse license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (Compact) and Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.

Erin Rhea

Erin Rhea, R.N.
Cedarburg, WI 53012
License no. 151501-30

07 / 21 / 2022

Date

Dr. Janice Edelstein, R.N. /ALC

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

07/21/2022

Date