

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

APRIL R. SIMMONS, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0008109**

Division of Legal Services and Compliance Case No. 22 NUR 130

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

April R. Simmons, R.N.
Osceola, WI 54020

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. Respondent April R. Simmons, R.N., (Year of Birth 1989) is licensed in the state of Wisconsin as a registered nurse, having license number 260660-30, first issued on July 2, 2021, and current through February 28, 2022.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Osceola, Wisconsin 54020.

¹ Respondent started the process to renew her license on January 31, 2022, and that renewal is pending review. In the meantime, Respondent's license remains active because of Emergency Order 2, as well as Wis. Stat. § 227.51(2).

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a facility located in St. Croix Falls, Wisconsin (Facility).

3. On February 24, 2022, the Department received a complaint from Respondent's employer alleging that Respondent, during an interview on February 20, 2022, had admitted to diverting narcotics from the Facility since September 2021.

4. On February 24, 2022, Respondent reported to the Department that she diverted narcotics from the Facility for her personal use.

5. From February 20 - 23, 2022, Respondent was admitted for inpatient treatment for Alcohol and Other Drug Abuse (AODA).

6. Upon discharge from inpatient treatment, Respondent was referred to outpatient AODA services in which she has participated since March 7, 2022.

7. On April 25, 2022, Respondent enrolled in the Wisconsin Professional Assistance Procedure (PAP) program.

8. 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 or aided and abetted a violation of any law substantially related to the practice of nursing within the meaning of Wis. Admin. Code § N 7.03(2).

3. By the conduct described in the Findings of Fact, Respondent is unable to practice safely by reason of alcohol or other substance use within the meaning of Wis. Admin. Code § N 7.03(6)(f).

4. By the conduct described in the Findings of Fact, Respondent obtained, possessed or attempted to obtain or possess a drug without lawful authority within the meaning of Wis. Admin. Code § N 7.03(8)(e).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent shall comply with all the terms and conditions of the PAP program agreement.

4. Any violation of Respondent's PAP program agreement constitutes a violation of this Order and will result in the case being referred back to the Board for possible further disciplinary action.

5. In the event Respondent is discharged from PAP prior to successful completion, Respondent's license may, in the discretion of the Board or its designee, be immediately SUSPENDED. In addition to, or instead of, the suspension, the Board may impose additional limitations to address any concerns with the conduct contained in the Findings of Fact and involved in Respondent's discharge from the impairment program.

6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$650.00.

7. 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
DPSMonitoring@wisconsin.gov

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

8. In the event Respondent violates any term of this Order, Respondent's license (number 260660-30), 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.

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

WISCONSIN BOARD OF NURSING

By: Robert Weirman TW-CCAP
A Member of the Board of Nursing

8/11/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

APRIL R. SIMMONS, R.N.,
RESPONDENT.

:
:
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:
:

STIPULATION

ORDER 0008109

Division of Legal Services and Compliance Case No. 22 NUR 130

Respondent April R. Simmons, R.N., 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

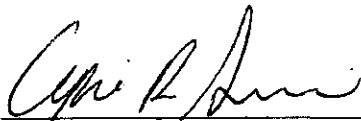
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.



April R. Simmons, R.N., Respondent
Osceola, WI 54020
License No. 260660-30

06/08/2022
Date



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

06/09/2022
Date