

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

LYNDSEY MCCAULEY, R.N.,
APPLICANT.

ORDER0008286

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

Lyndsey McCauley
Arpin, WI 54410

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 January 28, 2022, Lyndsey McCauley (Applicant) filed an application to renew a Wisconsin Registered Nurse credential (#245477-30).

II. Information received in the application process reflects that the Applicant has the following conviction:

A. February 25, 2022 – Disorderly Conduct, a misdemeanor conviction.

1. The criminal complaint states police were called to an elementary school for a report by a seven (7) year old child that he had been hit in the head with a plate by his mother, Applicant, resulting in cuts to his head. The child reported he was unloading the dishwasher and hit his sister with a plate. He reported that Applicant took the plate and hit him over the head and the plate shattered. He reported Applicant stated she hit him with the plate to show him how it felt. Applicant admitted she hit the child with the plate causing it to break and cut the child. Applicant fixed some of the

child's cuts with super glue. The child was reported to have cognitive disabilities or autism. Applicant paid a fine.

III. Department records demonstrate no evidence that Applicant reported her conviction to the Board of Nursing within forty-eight (48) hours of the entry of the judgment of conviction.

IV. The circumstances of Applicant's offense reveal the trait of disregard or incompetency surrounding caring for and ensuring the safety of children and other vulnerable individuals.

V. Professional nursing can be stressful and there may be patients, including children, who may present with similar cognitive challenges, or be difficult, that will need to be deescalated professionally, never physically. A Registered Nurse must be steady and calm to handle the stresses involved with the job and to handle emergencies that arise.

VI. 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. By the conduct described in the Findings of Fact, limitations on Applicant's license are necessary to protect the public health, safety, or welfare, pursuant to Wis. Stat. § 440.08(4).

4. Pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse for one or more violations of this subchapter or any rule adopted by the Board under the authority of this subchapter, or for misconduct or unprofessional conduct.

5. Applicant violated Wis. Stat. §§ 440.03(13)(am), 441.07(1g)(b) and 441.07(1g)(d), and Wis. Admin. Code § SPS 4.09(2) and § N 7.03(1)(h), by failing to report her Disorderly Conduct conviction to the Board within forty-eight (48) hours of the entry of the judgment of conviction.

6. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 440.08(4), 440.03(13)(am), 441.07(1g)(b), and 441.07(1g)(d), and Wis. Admin. Code § SPS 4.09(2) and § N 7.03(1)(h),

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. During the pendency of this Order, Applicant shall not work with patients under the age of eighteen (18).
 - iii. Within thirty (30) days of the date of this order, Applicant shall provide proof to the Department Monitor that Applicant is seeking or continuing mental health treatment with a mental treatment provider (Treater), whose credential is in good standing, and approved by the Board. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
 1. Applicant shall immediately provide Treater with a copy of the Order and all subsequent orders.
 2. Applicant's treatment shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once a month. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification, including a recommendation from Treater expressly approving termination of therapy.
 - iv. Within 90 days of the date of this Order, Applicant shall complete an anger management course pre-approved by the Board. Course preapproval shall

be obtained through the Department Monitor. Within 30 days of completion of the anger management course, Applicant shall submit:

1. proof satisfactory to the Board verifying Applicant's successful course completion, and
 2. a statement to the Board addressing what she learned from anger management and explain how she would handle future confrontations differently.
- v. Within 90 days of the date of this Order, Applicant shall complete a parenting course pre-approved by the Board. Course preapproval shall be obtained through the Department Monitor. Within 30 days of completion of the anger management course, Applicant shall submit:
1. proof satisfactory to the Board verifying Applicant's successful course completion, and
 2. a statement to the Board addressing what she learned from anger management and explain how she would handle future confrontations differently.
- vi. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.
- 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 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 for the year. "Practice in compliance" includes the submission of reports, the content of which are satisfactory to the Board.

5. 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.

6. 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://dpsmonitoring.wi.gov>

7. 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.

8. 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.

9. 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

12/06/2022

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

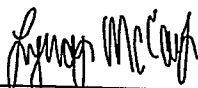
LYNDSEY MCCAULEY, R.N.,
APPLICANT.

ORDER 0008286

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.



Lyndsey McCauley, R.N.
Arpin, WI 54410
License no. 245477-30

11/16/22

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

12/06/2022

Date