

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF APPLICATION FOR A :  
REGISTERED NURSE CREDENTIAL :  
 :  
 : ORDER GRANTING  
 : LIMITED LICENSE  
MAXIMILLIAN GILBERT MILLER, R.N., :  
APPLICANT. :  
 : **ORDER 0008302**

---

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

Maximillian Gilbert Miller, R.N.,  
Milwaukee, WI 53219

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 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 June 28, 2022, Maximillian Gilbert Miller (Applicant) filed an application for a Wisconsin Registered Nurse credential (#IA-5044).

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

A. On August 4, 2017 – Underage Drinking, an ordinance violation.

1. Applicant stated at the time of the offense, he was nineteen (19) years old, in college, and went to a party with friends. Applicant was observed by an officer to have alcohol with him, and he was breathalyzed and determined to be under the influence. Applicant was cited and you paid a fine.

B. On February 9, 2018 – Posts or Publishes Private Representation Without Consent, a misdemeanor conviction, which is expunged.

1. Applicant provided a statement that he was at a party and received a photo from another individual which displayed inappropriate representation of

another person. Applicant stated he regrets he then sent that photo to several friends. Applicant stated he was nineteen (19) at the time and was drinking with friends.

2. Given the concerns raised by this conviction, the Board requested Applicant submit a copy of the police report.
3. The police report states Applicant attended a party. At the party, a victim was drugged and sexually assaulted in a bathtub. Applicant's girlfriend took video of the sexual assault. Applicant viewed the intimate representation of the victim that was taken without the victim's consent. Applicant then downloaded the video onto his cell phone, posted the video to a group chat entitled "tits" within Facebook, and did so without the victim's consent. Applicant told police he did not have permission to post the video and in hindsight he might not have done it if he had not been drinking. Applicant was placed on probation for one (1) year with an opportunity for expungement upon successful completion with his sentence – which included a requirement of no new offenses. During Applicant's term of probation, he committed two (2) ordinance violations for urinating in public and resisting/obstructing an officer. Applicant completed an additional twenty (20) hours of community service, the additional ordinance violations were dismissed, and Applicant was granted expunction.
  - i. The police report and Applicant's statement do not match. Applicant's statement downplays the seriousness of his actions; this was not a photo received and shared, rather Applicant sought out a copy of the video of the sexual assault, which Applicant then uploaded to a Facebook group.
  - ii. Applicant's conviction raises concerns regarding his fitness for duty as his actions display a gross lack of respect for confidentiality, privacy, consent, and dignity; key underpinnings to the practice of professional nursing.

C. At the Board's request, you underwent an Alcohol and Other Drug Abuse (AODA) and a Fitness to Practice Assessment (Assessments).

1. The Assessments found:
  - i. Applicant does not currently meet the criteria for a substance use disorder and no treatment is recommended at this time.
  - ii. Applicant's readiness to change is in the maintenance stage.
2. The Assessor recommended Applicant continue weekly check-ins with his supervisor for at least three (3) weeks to help maintain changes and monitor for any concerns within the workplace.

III. 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. §§ 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.

3. Applicant violated Wis. Admin. Code § N 7.03(5)(e), by making a misrepresentation to the Board including, fraud, deceit, or material omission in obtaining a license.

4. As a result of the above conduct, Applicant is subject to limitations on his license pursuant to Wis. Stat. §§ 441.07(1g)(b) and 441.07(1g)(d), and Wis. Admin. Code § N 7.03(5)(e),

#### ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that he is fit and competent to practice as a Registered Nurse.

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. Applicant shall check-in with his supervisor weekly, for three (3) weeks, including sending reports summarizing the weekly check-ins to the Department Monitor that address:

1. Any concerns, and
2. Applicant's demonstrated respect for confidentiality, privacy, consent, and dignity of patients.

- iii. After receipt of three (3) consecutive, timely weekly supervisory reports, deemed sufficient by the Board, Applicant's supervisory check-ins and submitted employer reports may be submitted on a quarterly basis, as directed by the Department Monitor.
- iv. 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.
- v. 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.
- vi. 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.

3. 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.

4. Applicant may petition for early termination of this order and issuance of full, restricted licensure upon the submission of three (3) consecutive timely and satisfactory weekly reports followed by two (2) consecutive timely and satisfactory quarterly work reports.

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](mailto: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

12/14/2022  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

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

MAXIMILLIAN GILBERT MILLER, R.N., :  
APPLICANT. :

STIPULATION  
ORDER 0008302

---

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

1. Applicant filed an application for 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 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.

*Maximillian Gilbert Miller*

Maximillian Gilbert Miller, R.N.  
Milwaukee, WI 53219  
Application no. IA-5044

12/13/2022

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

12/14/2022

Date