

## 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

NICOLE C. HARRIS, L.P.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008334**

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Division of Legal Services and Compliance Case No. 21 NUR 750

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

Nicole C. Harris, L.P.N.  
Milwaukee, WI 53216

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 Nicole C. Harris, L.P.N., (Year of Birth 1980) is licensed in the state of Wisconsin as a licensed practical nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 302818-31, first issued on September 21, 2000, and current through April 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53216.

2. On May 14, 2015, the Milwaukee Police Department (MPD) investigated a report that Respondent had abused her daughter born in 2003 (Victim). The Victim reported to police that Respondent yelled at her, mocked her, and beat her with an HDMI cable cord because Victim had lost her house keys. After the beating, Victim reported that Respondent told her, "I hope you

go to hell,” “I want you to die,” and “I wish you would just kill yourself.” Respondent denies making these statements. Respondent then threw a video game controller at Victim, hitting her in the head and wrist.

3. MPD officers observed injuries on Victim that were consistent with her report, including multiple large red welts to her back that were sustained through a shirt and heavy fleece jacket.

4. On May 15, 2015, Respondent was charged with Physical Abuse of a Child (Intentional Causation of Bodily Harm), a felony, in violation of Wis. Stat. § 948.03(2)(b), in Milwaukee County Circuit Court Case No. 2015CF002198 (Milwaukee County Case). Respondent’s daughters were removed from her custody and placed under a CHIPs<sup>1</sup> order for two years.

5. On December 22, 2015, Respondent pled no contest to a reduced charge of Battery, a misdemeanor, in violation of Wis. Stat. § 940.19(1), in the Milwaukee County Case. She was sentenced to 60 days in jail, which was stayed pending successful completion of certain conditions such as compliance with the CHIPs order, individual counseling, and 20 hours of community service. The Judgment of Conviction was entered by the Court on January 13, 2016.

6. As part of the CHIPs order, Respondent completed 10 one-hour sessions of Anger Management coursework through The Parenting Network on December 15, 2015.

7. On November 4, 2016, the Court found that Respondent had complied with all terms and conditions of her sentence.

8. Respondent failed to report the conviction to the Board.

9. On her license renewal application submitted in April 2021, Respondent checked the box indicating she read and understood her responsibility to report any felony or misdemeanor convictions since the issuance of her license, yet she still failed to report the conviction to the Board.

10. The Department learned of Respondent’s conviction after receiving a complaint on December 6, 2021 alleging that Respondent had spoken of her conviction and that she continued working as a nurse because she refused to self-report it.

11. 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).

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<sup>1</sup> CHIPs means “Child in Need of Protection and/or Services.”

2. By the conduct described in the Findings of Fact, Respondent failed to notify the Board of a misdemeanor in writing within 48 hours after entry of the Judgment of Conviction, including the date, place, and nature of the conviction or finding, which is grounds for taking disciplinary action pursuant to Wis. Admin. Code § N 7.03(1)(h).

3. By the conduct described in the Findings of Fact, Respondent was convicted of a crime substantially related to the practice of nursing, which is grounds for taking disciplinary action pursuant to Wis. Admin. Code § N 7.03(2).

4. By the conduct described in the Findings of Fact, Respondent committed fraud, deceit, or material omission in obtaining a license or certification or in the renewal of the license or certification, which is grounds for taking disciplinary action pursuant to Wis. Admin. Code § N 7.03(5)(e).

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 licensed practical nurse in the state of Wisconsin (license number 302818-31), her right to renew such license, and her privilege to practice in Wisconsin pursuant to the Compact, are **SUSPENDED** for 30 days from the date of this Order.<sup>2</sup>

3. Respondent's license to practice as a licensed practical nurse in the state of Wisconsin (license number 302818-31), her right to renew such license, and her privilege to practice in Wisconsin pursuant to the Compact, are **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete ten (10) hours of education on the topic of anger management for healthcare professionals and five (5) hours of education on the topic of ethics 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.

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<sup>2</sup> Respondent's multistate privilege is not permanently deactivated since the conviction occurred prior to the effective date of the Compact (July 20, 2017). As such, Wis. Stats. §§ 441.51(3)(g) and 441.51(3)(c)8 do not require permanent deactivation of Respondent's multistate privilege even though the misdemeanor conviction is related to the practice of nursing.

- 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.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$569.00.

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://dpsmonitoring.wi.gov>.

6. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

7. In the event Respondent violates any term of this Order, Respondent's license (number 302818-31), 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.

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

WISCONSIN BOARD OF NURSING

By: Robert Weimer TW-LCHP  
A Member of the Board of Nursing

1/12/2023  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NICOLE C. HARRIS, L.P.N.,  
RESPONDENT.

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STIPULATION

**ORDER 0008334**

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Division of Legal Services and Compliance Case No. 21 NUR 750

Respondent Nicole C. Harris, L.P.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. Respondent is represented by Attorney Kristen Nelson.

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.

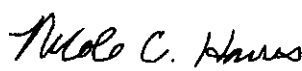
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

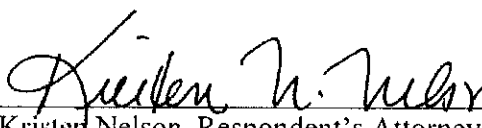
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.

  
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Nicole C. Harris, L.P.N., Respondent  
Milwaukee, WI 53216  
License No. 302818-31

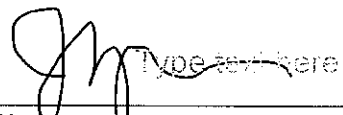
12/13/2022

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Date

  
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Kristen Nelson, Respondent's Attorney  
Gimbel, Reilly, Guerin & Brown, LLP  
330 East Kilbourn Ave., Suite 1170  
Milwaukee, WI 53202

12/13/2022

\_\_\_\_\_  
Date

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

12/14/22

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Date