

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 :
 : FINAL DECISION AND ORDER
MICHELLE M. HENRIKSEN, R.N., :
RESPONDENT. :

ORDER 0008457

Division of Legal Services and Compliance Case Nos. 21 NUR 341 and 21 NUR 378

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

Michelle Henriksen, R.N.
Fond du Lac, WI 54935

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 Michelle Henriksen, R.N., (Year of Birth 1975) is licensed in the state of Wisconsin as a registered nurse, having license number 172327-30, first issued on May 7, 2010 and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fond du Lac, Wisconsin 54935.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a nursing facility located in Waupun, Wisconsin (Facility). Respondent was the Director of Nursing and directly supervised Nurse A.

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3. Sometime in early April 2021, Respondent received multiple reports of unprofessional conduct regarding Nurse A's quality of care. Specifically, Facility staff reported they directly witnessed abuse by Nurse A when she forcefully extracted stool from a patient's rectum using her fingers and sometimes entire hand. At least one CNA submitted a written statement regarding the alleged inappropriate care. Around the same time, the Facility's Nursing Home Administrator (NHA) received complaints from Facility staff about Nurse A's care, and informed Respondent. Respondent did not investigate, report, or address these allegations any further.

4. On May 19 and 20, 2021, the Wisconsin Department of Health Services (DHS) conducted a survey of the Facility. During the survey, multiple staff members reported that Respondent and Nurse A were close friends and because of this, Respondent would not address complaints related to Nurse A or her quality of care.

5. DHS concluded, in part, that the Facility did not ensure all allegations of abuse were reported to the State Survey and Certification Agency, and the Facility did not ensure all allegations of abuse and/or mistreatment were thoroughly investigated.

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6. On May 24, 2021, a Facility staff member reported to the Facility NHA that a CNA abused a patient by speaking aggressively and shoving the resident into a wheelchair. This CNA was previously terminated in April 2021 for unrelated reasons. The staff member previously reported this incident to Respondent when it happened, but Respondent did not investigate or address the allegations further.

7. The Facility NHA initiated an investigation, during which staff reported multiple instances of resident abuse and staff misconduct that was reported to, but ultimately not investigated or addressed by, Respondent.

8. Multiple staff also reported Respondent contributed to a disruptive work environment, leading to a substandard quality of care, for reasons including:

- a. Respondent did not know names of staff or residents.
- b. Respondent did not introduce herself to new staff.
- c. Respondent was unresponsive to staff questions or concerns, including those regarding potential neglect and abuse.
- d. Respondent rarely left her office to help with residents when the Facility was understaffed.
- e. Respondent was not approachable.
- f. Respondent did not hold regular nurse meetings.

9. Respondent was ultimately terminated from the Facility for failing to report or investigate allegations of abuse after being made aware of them.

10. In resolution of these matters, 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 failed to report to the board or institutional supervisory personnel any violation of the rules of this chapter by a licensee within the meaning of Wis. Admin. Code § N 7.03(1)(i).

3. By the conduct described in the Findings of Fact, Respondent engaged in repeated or significant disruptive behavior or interaction with health care personnel, patients, family members, or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered within the meaning of Wis. Admin. Code § N 7.03(4)(d).

4. By the conduct described in the Findings of Fact, respondent engaged in inappropriate or inadequate supervision or delegation within the meaning of Wis. Admin. Code § N 7.03(7)(c).

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 is REPRIMANDED.

3. Respondent's license to practice as a registered nurse (license number 172327-30), and privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall at her own expense, successfully complete four hours of education on the topic of ethics in nursing 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.

- 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.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,302.00.

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 172327-30), 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.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board of Nursing

4-13-23
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES AND COMPLIANCE

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHELLE M. HENRIKSEN, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008457

Division of Legal Services and Compliance Case Nos. 21 NUR 341 and 21 NUR 378

Respondent Michelle M. Henriksen, 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

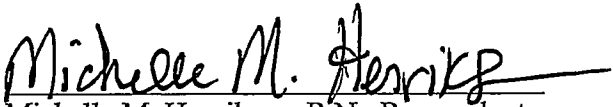
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.


Michelle M. Henriksen, R.N., Respondent
Fond du Lac, WI 54935
License No. 172327-30

01/30/23
Date


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

2/7/2023
Date