

## 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 L. WINCHELL, R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008481**

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Division of Legal Services and Compliance Case No. 22 NUR 367

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

Nicole L. Winchell, R.N.  
Medford, WI 54451

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. Nicole L. Winchell, R.N. (Respondent), (Year of Birth 1974) is licensed in the state of Wisconsin as a registered nurse, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 127598-30, first issued on September 2, 1997 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 Medford, Wisconsin 54451.

2. At all times relevant to this proceeding, Respondent was a registered nurse and the Executive Director at a hospice facility located in Medford, Wisconsin (Facility).

3. On or about February 26, 2022, Nurse A, while at the home of deceased Patient B, noticed several unopened boxes with syringes of hydromorphone. Nurse A contacted Respondent

regarding what to do with the unused hydromorphone. Respondent instructed Nurse A to chart that the medication was destroyed, ask the patient's family to sign off on it, and to return the medication to the Facility. Respondent told Nurse A that she would destroy the medication or return it to the pharmacy.

4. On or about March 1, 2022, Nurse C discovered hydromorphone syringes with a handwritten medication label for another Facility patient (Patient D) in Respondent's desk drawer. She asked Respondent about it and Respondent said it was Patient B's returned medication, to be used for Patient D.

5. Several days later, Respondent told Nurse E to deliver the medication to Patient D, without charting that it was delivered. Nurse E delivered the medication, but charted it.

6. On March 20, 2022 during an all-staff Facility meeting, the incident involving Patient B's unused medication was discussed. Respondent admitted she instructed Patient B's hydromorphone to be transferred to Patient D in violation of the Facility's policy to destroy unused medications in the patient's home.

7. Respondent turned in her resignation, and was subsequently terminated.

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 departed from or failed to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety within the meaning of Wis. Admin. Code § N 7.03(6)(c).

3. 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).

4. By the conduct described in the Findings of Fact, Respondent dispensed any drug other than in the course of legitimate practice or as otherwise prohibited by law within the meaning of Wis. Admin. Code § N 7.03(8)(b).

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 127598-30), and 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 four (4) hours of education on the topic of controlled substance accountability and documentation 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 ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$476.00.
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://dspsmonitoring.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 127598-30), 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: Robert Weirmon  
A Member of the Board of Nursing

4-13-23  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NICOLE L. WINCHELL, R.N.,  
RESPONDENT.

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STIPULATION

ORDER 000848 1

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Division of Legal Services and Compliance Case No. 22 NUR 367

Nicole L. Winchell, R.N. (Respondent), 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

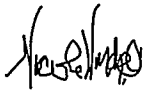
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

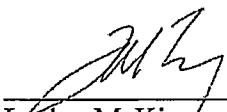
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Nicole L. Winchell, R.N., Respondent  
Medford, WI 54451  
License No. 127598-30

2/27/2023

Date



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

2/27/23

Date