

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

MICHELE A. NICKELS,
RESPONDENT.

:
: ADMINISTRATIVE INJUNCTION
:
:

ORDER 0008530

Division of Legal Services and Compliance Case No. 23 UNL 009 (MED)

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

Michele A. Nickels
Franklin, WI 53132

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Michele A. Nickels (Year of Birth: 1974) is not and has never been licensed to practice medicine and surgery in the State of Wisconsin.
2. In January 2022, Respondent earned a degree as a Doctor of Naturopathic Medicine but is not and has never been licensed to practice naturopathic medicine in the state of Wisconsin.
3. Respondent is certified to practice as an acupuncturist in the State of Wisconsin, having certificate number 499-55, first granted on October 3, 2006, and current through June 30, 2023.¹

¹ See companion case 23 RLA 001.

4. On July 26, 2019, the Department issued a Cease and Desist Order to Respondent requiring that she stop practicing medicine and surgery and immediately cease and desist from representing herself as licensed physician without a license in response to a complaint that she recommended an antibiotic prescription for a minor patient which was authorized by a supervising physician.

5. On December 27, 2022, Respondent pleaded guilty to Controlled Substance – Sell, Distribute, or Dispense, a felony in violation of 21 U.S.C. 841(a)(1) and (b)(1)(C), in U.S. District Court, Eastern District of Wisconsin, Case No. 2:22-CR-00270-JPS. Respondent entered into a Plea Agreement in which she admitted to the following:

- (a) She is not, nor has ever been, licensed as a physician in the State of Wisconsin and has never been authorized to prescribe medications or controlled substances in Wisconsin.
- (b) From June 2018 through April 2022, she issued prescriptions for controlled and non-controlled substances using the name and DEA registration of a former employee without that employee's knowledge or consent and forged the employee's name on the prescriptions.
- (c) She issued a total of 20 unauthorized prescriptions for Adderall, a Schedule II controlled substance, 1,330 dosage units of Schedule III controlled substances, and 870 dosage units of Schedule IV controlled substances.

6. As part of the Plea Agreement, Respondent agreed to the following:

- (a) She will never apply for or seek a renewal of a controlled substances registration from the DEA.
- (b) She will not supervise or manage any practitioners who prescribe controlled substances.
- (c) She will not apply for licensure as a naturopathic practitioner in the State of Wisconsin for a period of five (5) years after completion of her sentence in Case No. 2:22-CR-00270-JPS.

7. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5) and Wis. Admin. Code § SPS 3.11.

2. Pursuant to Wis. Stat. § 448.03(1)(a), no person may practice medicine and surgery, or attempt to do so or make representation as authorized to do so, without a license to practice medicine and surgery granted by the Wisconsin Medical Examining Board.

3. The "practice of medicine and surgery" means to examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality. Wis. Stat. § 448.01(9).

4. Respondent's conduct described above constitutes the unlicensed practice of medicine and surgery, contrary to Wis. Stat. § 448.03(1)(a).

ORDER

1. The attached Stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined and prohibited from the practice of medicine and surgery in the State of Wisconsin.

3. Respondent shall comply with the terms and conditions of the plea agreement referenced in paragraph 6 of the Findings of Fact above.

4. Respondent shall provide a copy of this Administrative Injunction with any application she submits for a credential issued by a Board or the Department.

5. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations to the appropriate prosecutorial unit for review for possible criminal charges.

6. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation, pursuant to Wis. Stat. § 440.21(4)(a).

7. This Order is effective on the date it is signed by the Department.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department

5-4-2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

MICHELE A. NICKELS,
RESPONDENT.

STIPULATION

ORDER 0008530

Division of Legal Services and Compliance Case No. 23 UNL 009 (MED)

Respondent Michele A. Nickels, and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

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


Department, the parties agree not to contend that the Department 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 for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

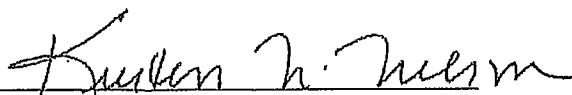
7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction 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.

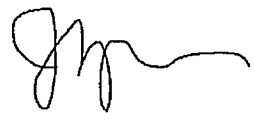
9. The Division joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.


Michele A. Nickels, Respondent
Franklin, WI 53132

4/28/2023
Date


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

5/1/23
Date


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

5/1/2023
Date