

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

JAMES A. LOCKE,
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

ORDER 0008591

Division of Legal Services and Compliance Case No. 22 UNL 043

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

James A. Locke
Menomonie, WI 54751

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 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 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. James A. Locke (Respondent) (Year of Birth: 1968) is not and has never been licensed as a nurse in the state of Wisconsin.

2. In September 2019, Respondent was licensed as a registered nurse in the state of Arizona (license no. 104163), with multistate privileges pursuant to the Nurse Licensure Compact (Compact), first issued on September 17, 1988. In September 2019 Respondent obtained employment as a registered nurse in the state of Wisconsin pursuant to the Compact.

3. Respondent eventually decided to change his primary state of residence to the state of Wisconsin and notified the Arizona State Board of Nursing (AZ Board) of his address change. On October 19, 2021, the AZ Board accepted Respondent's request to change his primary state of residence to Wisconsin, and accordingly changed the status of Respondent's Arizona nursing license from multistate to single state as he was no longer eligible for an Arizona multistate license. The AZ Board does not notify licensees that their request to declare another Compact State as their primary state of residence has been processed. This request is made electronically by the licensee via their Arizona Nurse Portal.

4. On April 4, 2022, Respondent submitted an application for a registered nurse license in Wisconsin to the Department. That application is pending.

5. From October 19, 2021, until May 11, 2022, Respondent worked as a registered nurse in the state of Wisconsin without a valid license to practice in Wisconsin. On May 11, 2022, Respondent became aware that his Arizona license was no longer a multistate license, and he ceased practicing as a nurse in Wisconsin.

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

CONCLUSIONS OF LAW

1. The Department 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 and Order pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 441.06(4), no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that they are a registered nurse unless licensed under Wis. Stat. § 441.06.

3. The conduct described in the Findings of Fact above constitutes the unlicensed practice of nursing, contrary to Wis. Stat. § 441.06(4).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a registered nurse by the Wisconsin Board of Nursing, Respondent is enjoined and prohibited from the practice of nursing in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. 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 covered by this Administrative Injunction to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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| By: | <u><i>Aloysius Rohmeyer</i></u> | <u>6/27/2023</u> |
| | Aloysius Rohmeyer, Chief Legal Counsel | Date |
| | On behalf of the Department | |

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

JAMES A. LOCKE,
RESPONDENT.

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STIPULATION

ORDER 000859 1

Division of Legal Services and Compliance Case No. 22 UNL 043

James A. Locke (Respondent), 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.

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.

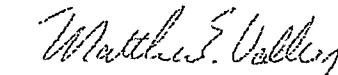
7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

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.


James A. Locke, Respondent
Menomonie, WI 54751

22 June 2023
Date


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

6/22/23
Date