

## 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 :  
 :  
 : FINAL DECISION AND ORDER  
NATHAN LESPERANCE, R.N. :  
RESPONDENT. :

**ORDER 0008684**

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Division of Legal Services and Compliance Case No. 22 NUR 723  
Division of Hearings and Appeals Case No. SPS-23-0015

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

Nathan Lesperance, R.N.  
Marinette, WI 54143

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

PROCEDURAL HISTORY

On March 16, 2023, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a Notice of Hearing and Complaint with the Department of Administration, Division of Hearings and Appeals (DHA) which alleged that Respondent violated Wis. Admin. Code §§ N 7.03(1)(c), N 7.03(2), and Wis. Stat. § 440.11(1), and that Respondent was subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03. The Division filed an Amended Complaint on June 2, 2023, adding an allegation that Respondent also violated Wis. Admin. Code § N 7.03(6)(g). Respondent answered the Amended Complaint by admitting to all allegations in the Amended Complaint, except violating Wis. Admin. Code § N 7.03(6)(g). A Prehearing Conference was held on June 29, 2023, scheduling the matter for hearing on November 15, 2023.

The parties in this matter agree to enter into stipulated resolution in lieu of participating in an evidentiary hearing. 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 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. Nathan Lesperance, R.N. (Respondent), (Year of Birth 1983) is licensed in the state of Wisconsin as a registered nurse, having license number 227322-30, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), first issued on May 17, 2016, and current through February 29, 2024. Respondent's most recent address on file with the Department is in Marinette, Wisconsin 54143.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a rehabilitation center located in Oconto, Wisconsin (Facility), and as a nurse at a hospital located in Marinette, Wisconsin (Facility 2).

3. On January 6, 2022, DLSC Case No. 21 NUR 718 was opened and involved allegations of caregiver misconduct at the Facility. Respondent was not named as the "respondent" in that case but was identified as a witness in that case.

4. On July 6 and July 21, 2022, the Division emailed Respondent via his email address on file with the Department seeking a response to the allegations involving DLSC Case No. 21 NUR 718. No response was received.

5. On August 4, 2022, the Division telephoned Respondent at his phone number on file with the Department and left a voicemail for Respondent advising of the nature of the call concerning DLSC Case No. 21 NUR 718 and requesting a return call. No return call from Respondent was received.

6. On August 4, 2022, the Division emailed Respondent via his email address on file with the Department, as well as emailed Respondent, at a secondary email address on file with the Department seeking a response to the allegations involving DLSC Case No. 21 NUR 718. The email sent to Respondent's secondary email address was returned undeliverable. Respondent did not otherwise respond.

7. On August 11, 2022, the Division left a voicemail for Respondent at his phone number on file with the Department and mailed a letter to Respondent at his mailing address on file with the Department, seeking a response to the allegations involving DLSC Case No. 21 NUR 718. No response was received.

8. Respondent's repeated lack of response to the Division's requests, prompted the opening of DLSC Case No. 22 NUR 723 on October 20, 2022.

9. On October 31, 2022, the Division emailed a letter to Respondent at his email address on file with the Department, as well as a certified letter to his address on file with the Department seeking a response to the allegations involving DLSC Case No. 21 NUR 718, as well as why he was failed to respond to requests for information from the Division prior to October 31, 2022. The certified letter was left with an unidentified individual at Respondent's listed address on November 18, 2022. No response from Respondent was received.

10. On December 5, 2022, the Division telephoned Respondent at his telephone number on file with the Department and left a voicemail for Respondent requesting a response. On this

same date the Division also emailed Respondent at his email address on file with the Department seeking a response. No response was received.

11. On January 5, 2023, the Division contacted the Facility and requested Respondent's last known contact information. The Facility notified the Division that Respondent was no longer employed at the Facility and had obtained a new position with Facility 2.

12. On February 6, 2023, the Division telephoned Respondent at his phone number on file with the Department and left a voicemail requesting that Respondent return the phone call. No response was received.

13. On February 15, 2023, Facility 2 advised the Division that Respondent was currently employed by Facility 2, and that according to their records, Respondent's phone number and mailing address matched what the Department had on file for Respondent. Facility 2 advised the Division of the email address they had on file for Respondent.

14. On February 15, 2023, the Division emailed Respondent a request for information concerning DLSC Case Nos. 21 NUR 718 and 22 NUR 723. No response was received.

15. On April 3, 2023, via email, Respondent advised the Division that his failure to timely respond to requests for information from the Division were due to health issues involving his wife as well as mental health issues of his own. Respondent further advised that he is experiencing undiagnosed "ADHD" and is working with his primary care provider (PCP) to get his health issues under control.

16. In response to Respondent's disclosure in paragraph 16, the Division requested that Respondent provide a statement from his PCP advising that Respondent is fit to practice nursing and whether he is under any restrictions that would affect his ability to practice nursing.

17. On May 22, 2023, via email, Respondent advised the Division that his PCP would not be providing a statement involving Respondent's mental health and ability to practice nursing since the PCP was uncomfortable without an official diagnosis and that Respondent would need to see a "specialist" to obtain a diagnosis.

18. 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. Wisconsin Stat. § 440.11(1) and (1m) require a credential holder to provide the Department with their current mailing address and email address at the time of renewal of the credential and within 30 days of any change to that mailing address and/or email address.

3. By the conduct described above, Respondent failed to cooperate in a timely manner with the Board's investigation of a complaint filed against a license holder within the meaning of

Wis. Admin. Code § N 7.03(1)(c). There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the Board has failed to cooperate in a timely manner.

4. By the conduct described above, Respondent violated a law substantially related to the practice of nursing by failing to timely notify the Department of a change in mailing address and/or email within the meaning of Wis. Admin. Code § N 7.03(2) and Wis. Stat. § 440.11(1) and (1m).

5. By the conduct described above, Respondent is unable to practice safely by reason of psychological impairment or mental disorder within the meaning of Wis. Admin. Code § N 7.03(6)(g).

6. 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 227322-40), and privilege to practice in Wisconsin pursuant to the Compact, are LIMITED as follows:
  - a. Within six (6) months of the date of this Order, Respondent shall at his own expense, take and successfully complete the *Nurse Practice Act- Wisconsin* course offered by the NCSBN's International Center for Regulatory Scholarship for a total of 2.1 education credits.
  - 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 of the date of this Order, Respondent shall, at his own expense, undergo a fitness for practice evaluation with a pre-approved psychiatrist or

psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit to practice:

- a. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.
- b. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- c. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with his ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
- d. Respondent shall execute necessary documents authorizing the Division to obtain records of the evaluation, and to discuss Respondent and his case with the Evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
- e. If the Evaluator determines that Respondent is not fit to practice or is fit for practice with limitations, the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- f. If the Evaluator determines that Respondent is fit to practice or is fit to practice with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
  - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
  - ii. Additional professional education in any identified areas of deficiency.
  - iii. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.

g. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor.

7. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,376.00.

8. 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>.

9. 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.

10. In the event Respondent violates any term of this Order, Respondent's license (number 227322-30), or Respondent's right to renew his 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.

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

WISCONSIN BOARD OF NURSING

By:   
A Member of the Board of Nursing

8/10/2023

Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NATHAN LESPERANCE, R.N.,  
RESPONDENT.

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STIPULATION

ORDER 0008684

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Division of Legal Services and Compliance Case No. 22 NUR 723  
Division of Hearings and Appeals Case No. SPS-23-0015

Nathan Lesperance, 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.



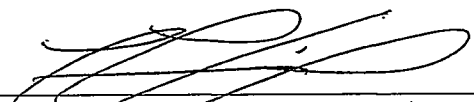
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by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

  
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Nathan Lesperance, R.N., Respondent  
Marinette, WI 54143  
License No. 227322-30

07/28/23  
Date

  
\_\_\_\_\_  
Gretchen Mrozinski, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

August 1, 2023  
Date