

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
CHELSEY O. SHERBURNE, R.N., :
RESPONDENT. :

ORDER 0008686

Division of Legal Services and Compliance Case No. 23 NUR 487

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

Chelsey O. Sherburne, R.N.
Dorchester, IA 52140

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. Chelsey O. Sherburne, R.N. (Respondent), (Year of Birth 1993) is licensed in the state of Wisconsin as a registered nurse, having license number 225656-30, first issued on January 25, 2016, 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 Dorchester, Iowa 52140.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a long-term care facility located in Spring Grove, Minnesota (Facility).

3. On February 2, 2023, the Minnesota Board of Nursing (Minnesota Board) issued a Stipulation and Consent Order (Minnesota Order)¹ against Respondent.

4. Per the Minnesota Order, the Minnesota Board determined that on or about May 14, 2021, Respondent violated HIPAA when she sent a photo of a patient to other Facility employees via Snapchat with a comment about the patient being determined to get to the dining room.

5. The Minnesota Order assessed a \$3,000.00 civil penalty against Respondent and suspended Respondent's license. The suspension was stayed, and Respondent was permitted to practice under compliance with the following terms and conditions:

- a. Within five months of the date of the Minnesota Order, Respondent was to complete one-on-one consultation with a nurse consultant. The one-on-one instruction was required to address HIPAA, ethics, and professionalism. The nurse consultant was required to submit a report directly to the Minnesota Board that includes what Respondent learned and achieved, and any recommendations for additional education directed at improving Respondent's nursing practice.
- b. Within six months of the date of the Minnesota Order, Respondent was to submit a typewritten report of what she learned and achieved through the one-on-one consultation.
- c. Respondent was to provide any additional information requested by the Minnesota Board.
- d. Respondent must notify each present and future nursing supervisor of this Minnesota Order within 10 days of commencing employment.
- e. The stayed suspension of Respondent's license will be administratively removed after at least 24 months from the date of the Minnesota Order, payment of the civil penalty, and completion of all the terms and conditions as listed above.

6. As of the date of this Order, Respondent has paid the \$3,000.00 civil penalty, completed the consultation, and remains in compliance with the terms and conditions of Minnesota's Order.

7. 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).

¹ The Minnesota Order is incorporated in its entirety into this Order.

2. By the conduct described in the Findings of Fact, Respondent had a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country within the meaning of Wis. Admin. Code § N 7.03(1)(b).

3. 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 225656-30), is LIMITED as follows:

a. Respondent must continue to comply with the terms and conditions of the Minnesota Order.

4. Any violation of the terms and conditions of the Minnesota Order, resulting in further action against her Minnesota license, constitutes a violation of this Order.

5. Respondent may petition the Board or its designee for the removal of the limitations upon her return to full, unrestricted licensure in Minnesota.

6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$378.00.

7. 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>.

8. In the event Respondent violates any term of this Order, Respondent's license (number 225656-30), 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.

9. 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHELSEY O. SHERBURNE, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008686

Division of Legal Services and Compliance Case No. 23 NUR 487

Chelsey O. Sherburne, 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

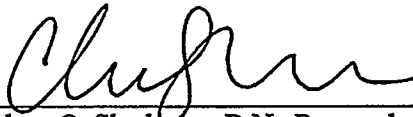
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

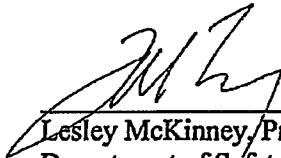
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Chelsey O. Sherburne, R.N., Respondent
Dorchester, IA 52140
License No. 225656-30

7/27/2023

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

7/28/2023

Date