

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
JAMIE M. TUCK, R.N., :
RESPONDENT. : **ORDER0008808**

Division of Legal Services and Compliance Case No. 22 NUR 734

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

Jamie M. Tuck, R.N.
Hernando, MS 38632

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. Jamie M. Tuck, R.N. (Respondent), (Year of Birth 1954) is not and has never been licensed as a registered nurse in the state of Wisconsin.

2. Respondent is licensed as a registered nurse in the state of Alabama (license number 1-177810) with multistate privileges pursuant to the Nurse Licensure Compact (Compact), first issued on July 29, 2019, and current through December 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Hernando, MS 38632.

3. At all times relevant to this proceeding, Respondent worked as a registered nurse at an assisted living facility located in Appleton, WI (Facility).

4. On September 27, 2022, a Department of Health Services (DHS) survey was conducted at the Facility. The DHS surveyor found that Respondent had applied restraints to a male resident born in 1951 (Resident A) without proper orders.

5. The Facility conducted an investigation in which Chief Nursing Officer (CNO A) spoke with the Respondent by phone about the matter. During that phone conversation, Respondent confirmed that she restrained Resident A and also told the CNA staff to restrain Resident A. Respondent and the CNA staff used a gait belt and a bed sheet to tie Resident to his wheelchair. Respondent informed CNO A that Respondent did this because it would “keep Resident from falling and hitting his head.” When Respondent was informed that this was a restraint and not permitted without a physician order, Respondent questioned “even if it is for his own safety?”

6. 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. Stats. §§ 441.07, 441.51(3)(d) and (e), and 441.51(5)(a)1., 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 had a lack of knowledge, skill, or ability to discharge professional obligations within the scope of nursing practice within the meaning of Wis. Admin. Code § N 7.03(6)(b).

4. Respondent is subject to adverse action against her multistate privilege to practice nursing in Wisconsin, pursuant to Wis. Stats. §§ 441.07(1g)(b) and (d), 441.51(3)(d) and (e), 441.51(5)(a)1., and Wis. Admin. Code § N 7.03.

5. Adverse action against Respondent’s multistate privilege to practice in Wisconsin includes revocation, suspension, probation, or any other action that affect’s a nurse’s authorization to practice under a multi-state privilege within the meaning of Wis. Stat. § 441.51(3)(d).

6. Costs related to the investigation and disposition of this case are recoverable from Respondent pursuant to Wis. Stats. §§ 441.51(5)(a)6. and 440.22.

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.

3. Respondent's privilege to practice as a registered nurse in the state of Wisconsin pursuant to her multistate license in Alabama (license number 1-177810), or any other multistate privilege granted to her by a Compact member state, is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of proper restraint use, and four (4) hours of education on the topic of ethics in nursing 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 \$1,132.00.

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. In the event Respondent violates any term of this Order, Respondent's multistate privilege to practice in Wisconsin pursuant to her multistate license in Alabama (number 1-177810), 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.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board of Nursing

10/12/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMIE M. TUCK, R.N.,
RESPONDENT.

STIPULATION

ORDER 0008808

Division of Legal Services and Compliance Case No. 22 NUR 734

Jamie M. Tuck, 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. Respondent is represented by Attorney Robert Rodè.

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.

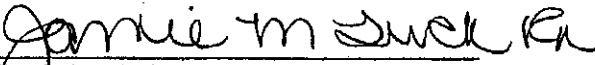
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by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

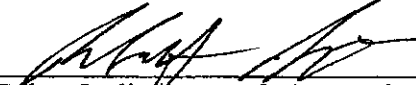
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.




Jamie M. Tuck, R.N., Respondent
Hernando, MS 38632
License No. 1-77810

9-3-2023
Date



Robert Rodè, Attorney for Respondent
Voigt, Rodè, Boxeth & Coffin, LLC
1000 University Ave. West, Ste. 250
St. Paul, MN 55104

9/5/23
Date



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

9/6/23
Date