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IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST

DEBORAH E. KLOSS, RN,

FINAL DECISION AND ORDER

RESPONDENT

LS0003271NUR

Division of Enforcement Case File No. 99 NUR 156

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*Deborah E. Kloss, RN
4955 HWY 101 N
Gearhart, OR 97138*

*Wisconsin Board of Nursing
PO Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

In resolution of this matter, Respondent has amended her Answer to the Complaint in these proceedings to neither admit nor deny the allegations against her. The Board therefore for the purposes of this action is authorized to make findings consistent with the formal complaint in this action. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Deborah E. Kloss, RN (DOB 04/12/49) is duly licensed as a registered nurse in the state of Wisconsin (license #112675). This license was first granted on March 24, 1993.
2. Ms. Kloss' most recent address on file with the Wisconsin Board of Nursing is 4955 HWY 101 N, Gearhart, OR 97138.
3. In the spring of 1999 Respondent worked as a registered nurse at Shorewood Heights Nursing Home, 3710 North Oakland Avenue, Milwaukee, WI 53211.
4. During her employment at Shorewood Heights, Respondent developed an inappropriate personal relationship with JB, an incompetent adult resident of the facility.
5. On two occasions in May 1999 Respondent took JB to her home for overnight visits. Respondent did not have permission from JB's guardian for these visits; nor did Respondent appropriately sign out or chart administration of medications to JB during the time JB was in her custody. Respondent contests any allegations of sexual intercourse with JB.
6. In resolution of this matter, Respondent consents to the issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to sec. 441.07, Stats.
2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
3. The conduct described above constitutes a basis for discipline under sec. 441.07(1), Stats. and Wisconsin Administrative Code § N 7.04. Furthermore, the Findings of Fact set forth in paragraphs 4 and 5 above constitute an agency finding of abuse or neglect within the meaning of secs. 48.685 and 50.065, Stats.

ORDER

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation of the parties to this action is accepted.

2. IT IS FURTHER ORDERED that the Wisconsin license of Deborah E. Kloss shall be **SUSPENDED** for an indefinite period of time to commence on the effective date of this Order. Ms. Kloss shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Board shall reissue registration credentials to Ms. Kloss in accordance with the terms set forth below.

3. Ms. Kloss may petition the Board for a stay of suspension at any time following the effective date of the Order. Ms. Kloss shall be responsible for all expenses connected with submission of a petition.

a. In conjunction with a petition by Ms. Kloss, the Board shall require a report from a current independent mental health evaluation of Ms. Kloss performed by a health care provider acceptable to the Board and a alcohol/chemical dependency assessment performed by a health care provider acceptable to the Board. The person providing the mental health assessment shall have experience in treating boundary violations between caregivers and patients.

i. Ms. Kloss shall obtain Board approval of the assessor prior to the assessment being performed.

ii. The assessor shall submit a written report of his or her findings directly to the Board, including: a diagnosis of Ms. Kloss' condition (if any); recommendations for treatment; an evaluation of Ms. Kloss' level of cooperation in the assessment process; ability to work and work restriction recommendations; and Ms. Kloss' prognosis. The assessment shall reflect that the assessor has received and reviewed copies of this order and Division investigative materials regarding Ms. Kloss' behavior. To be considered current, the assessment shall be conducted within not more than thirty (30) days from the date of the petition.

b. In conjunction with a petition by Ms. Kloss, the Board shall in addition require documentation of successful completion of at least twenty-four [24] hours of continuing education or other training acceptable to the Board in the area(s) of legal and ethical aspects of nursing and nurse/patient boundaries. To be acceptable, the course or training shall be pre-approved by the Department. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Ms. Kloss verifying that she attended the course in its entirety.

c. The Board may in its discretion require a personal appearance by Ms. Kloss in conjunction with its consideration of a petition submitted under this paragraph.

4. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats. The Board may in its sole discretion determine whether, and under what terms and conditions, Ms. Kloss may resume the practice of nursing in the state of Wisconsin. Possible terms and conditions may include, but are not limited to: required participation in treatment, required supervision; work setting approval; and/or submission of satisfactory work reports. The granting of a petition shall not be unreasonably withheld.

5. The Board waives any assessment of costs against the Respondent in these proceedings.

6. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows:

Department Monitor

Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264 TEL. (608) 261-7938

7. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Kloss' license; the Board in its discretion may in the alternative impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

8. This Order shall become effective on the date of its signing.

BOARD OF NURSING

By

Ann Brewer, RN

A Member of the Board

May 19, 2000

Date

