

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

ORDER 0001630

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. At all times relevant herein, Shirley Kempinger, T.P.N. was duly licensed in the State of Wisconsin as a trained practical nurse (license number 15006).
2. On or about April 26, 1982, Ms. Kempinger was employed as a day shift trained practical nurse at Oshkosh Care Center, in Oshkosh, Wisconsin.
3. On that date, at approximately 7:15 a.m., Ms. Kempinger struck a patient (0830) on the shin with the palm of her hand because the patient was uncooperative in putting on his shoes.
4. Also on that date, at approximately 2:00 p.m., Respondent struck patient (0420) on the thigh with the palm of her hand, because the patient was holding the arm of another nurse and had refused to let go of the arm.

CONCLUSIONS OF LAW

Ms. Kempinger, by the conduct described above, utilized excessive and inappropriate methods to deal with patients assigned to her care; the conduct described constitutes grounds for the imposition of discipline against Respondent's license under Wis. Stats. s. 441.07(1)(c) and (d) and Wis. Adm. Code sec. N 11.03(1)(f).

Therefore, it is hereby ORDERED:

The license of Shirley Kempinger to practice as a licensed practical nurse is suspended for a period of sixty (60) days; this suspension shall commence five (5) days following the signing of this order.

BOARD OF NURSING

By:

Marjorie Sundquist
A Member of the Board

1/28/83
Date

SMG:kcb
998-358

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

SHIRLEY KEMPINGER, T.P.N., :
RESPONDENT. :

STIPULATION

It is hereby stipulated between Shirley Kempinger, T.P.N., personally on her own behalf and Steven M. Gloe, attorney for the Department of Regulation & Licensing, Division of Enforcement, as follows that:

1. This Stipulation shall be submitted to the Board of Nursing. 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 be returned to the Division of Enforcement for further action.

2. Ms. Kempinger is aware of and understands each of her rights, including: the right to a hearing on allegations against her in which the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 rights afforded to Ms. Kempinger under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Ms. Kempinger freely, voluntarily, and knowingly waives each and every one of the rights set forth in paragraph 2, above.

4. In settlement of this matter, Ms. Kempinger hereby admits the allegations of the Complaint in this action.

5. The undersigned parties therefore agree to the adoption of the attached Final Decision and Order by the Board of Nursing.

12-15-82
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

12-11-82
Date

Shirley Kempinger
Shirley Kempinger, T.P.N., Respondent

SMG:kcb
910-275