

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

KAYE A. KAUFMANN, L.P.N.,  
RESPONDENT.

FINAL DECISION AND ORDER  
92 NUR 160

ORDER 0001609

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Kaye A. Kaufmann  
1413 South 10th Street  
Manitowoc, WI 54220

Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. 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.

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

### FINDINGS OF FACT

1. Kaye A. Kaufmann (D.O.B. 7/30/41) is duly licensed in the state of Wisconsin as a licensed practical nurse (license # 9445). This license was first granted on December 9, 1969.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1413 South 10th Street, Manitowoc, WI 54220.
3. On June 29, 1992, while on duty at Park Lawn Home, Manitowoc, Respondent threw shoes at a resident and verbally taunted him as the agitated and combative patient was attempting to get out of bed. The conduct of Respondent increased the agitation and discomfort of the resident.

CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against her license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b) and (d), and Wis. Adm. Code sec. N 7.04(4) and (15).

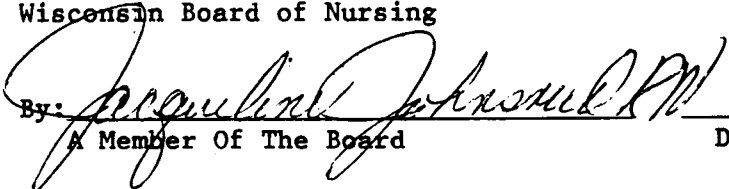
NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Kaye A. Kaufmann shall be SUSPENDED for an indefinite period of time.

Upon demonstration to the satisfaction of the Board by Ms. Kaufmann that she has successfully completed an approved course in dealing with the difficult patient and an approved course in stress management, by filing with the office of the Board a certification of completion prepared by the educational institution providing the required training, the Board shall grant a petition by Ms. Kaufmann for reinstatement of her license.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing.

Wisconsin Board of Nursing

By:   
A Member Of The Board

Date

3/5/93

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
KAYE A. KAUFMANN, L.P.N.,	:	92 NUR 160
RESPONDENT	:	

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It is hereby stipulated between Kaye A. Kaufmann, personally on her own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 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 applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

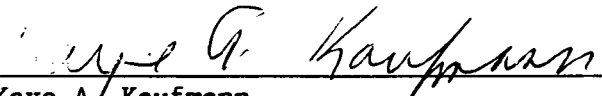
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.

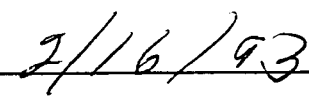
6. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Respondent shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

  
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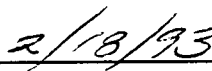
Kaye A. Kaufmann

  
\_\_\_\_\_

Date

  
\_\_\_\_\_

James W. Harris, Attorney  
Division of Enforcement

  
\_\_\_\_\_

Date

jh

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is March 8, 1993.



PDF: DE00000001296-19930305

Order Dates:  
MAR 05, 1993

Respondent Names:  
KAUFMANN, KAYE A., LPN

Complaint IDs:  
92NUR160

Profession:  
LICENSED PRACTICAL NURSE

Boards:  
NUR

Short Description:  
SUSPENDED INDEFINITELY.

Case Summary:  
WHILE ON DUTY THREW SHOES AT A RESIDENT AND VERBALLY TAUNTED HIM AS THE AGITATED AND COMBATIVE PATIENT WAS ATTEMPTING TO GET OUT OF BED. THE CONDUCT INCREASED THE AGITATION AND DISCOMFORT OF THE RESIDENT.

