

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

Kathleen R. Heinzman, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER
94 NUR 072

ORDER 0001602

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

Kathleen R. Heinzman
6226 57th Avenue
Kenosha, WI 53142

Wisconsin 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. Kathleen R. Heinzman (D.O.B. 10/27/47) is duly licensed in the state of Wisconsin as a licensed practical nurse (license # 6836). This license was first granted on December 16, 1966.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 6226 57th Avenue, Kenosha, WI 53142.
3. In March, 1994, Respondent was employed as a licensed practical nurse at the Kenosha Care Center.

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4. On March 17, 1994, while on duty, Respondent signed out one Lasix tablet, two Flexeril tablets and one Vicodan tablet for administration to each of three patients. The medications were not administered but were removed from the facility by Respondent, and were later found in Respondent's cigarette case.

5. The conduct of Respondent was in violation of Kenosha Care Center rules, and she was terminated from her employment.

6. An AODA evaluation of Respondent in September, 1994, did not reveal a chemical dependence.

CONCLUSIONS OF LAW

By the conduct described above, Kathleen R. Heinzman 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)(c) and (d), and Wis. Adm. Code sec. N7.04(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Kathleen R. Heinzman is REPRIMANDED for her unprofessional conduct.

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: *Pamela Anderson-Pearl*
A Member of the Board

5-5-95
Date

jh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
KATHLEEN R. HEINZMAN, L.P.N.,	:	94 NUR 072
RESPONDENT	:	

It is hereby stipulated between Kathleen R. Heinzman, 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.

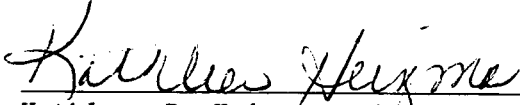
3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

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.

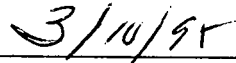
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. 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.

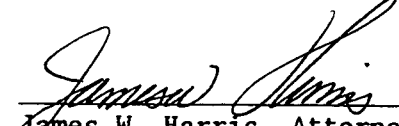
7. The Division of Enforcement joins Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.



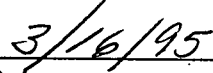
Kathleen R. Heinzman, L.P.N.



Date



James W. Harris, Attorney
Division of Enforcement



Date

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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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

MAY 9, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)



PDF: DE00000001834-19950505

Order Dates:

MAY 05, 1995

Respondent Names:

HEINZMAN, KATHLEEN R., LPN

Complaint IDs:

94NUR072

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

REPRIMANDED.

Case Summary:

SIGNED OUT MEDICATIONS FOR ADMINISTRATION TO PATIENTS.
MEDICATIONS WERE NOT ADMINISTERED BUT WERE REMOVED FROM THE
FACILITY AND WERE LATER FOUND IN HER CIGARETTE CASE. WAS
TERMINATED FROM HER EMPLOYMENT. EVALUATION IN 1994 DID NOT
REVEAL A CHEMICAL DEPENDENCE.

