

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**FILE COPY**

**STATE OF WISCONSIN**

**BEFORE THE BOARD OF NURSING**

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IN THE MATTER OF THE DISCIPLINARY .  
PROCEEDINGS AGAINST :

LORRAINE HIPKE, L.P.N.  
RESPONDENT. :

FINAL DECISION AND ORDER  
94 NUR 206

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

Lorraine Hipke  
1255 Mead Avenue  
Sheboygan, WI 53081

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. Lorraine Hipke (D.O.B. 4/19/33) is duly licensed in the state of Wisconsin as a licensed practical nurse (license # 10161). This license was first granted on May 22, 1970.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1255 Mead Avenue, Sheboygan, WI 53081.
3. At all times relevant to this action Respondent was employed as a licensed practical nurse at Sunny Ridge Nursing Home, Sheboygan, Wisconsin, and was charged with the care of residents.

4. On September 8, 1994, an elderly resident fell from a bed and Respondent was directed to accomplish a neurological check of the resident, but failed to do so. Respondent's explanation was that she was late and in a hurry, and didn't think the examination was necessary.

5. On September 20, 1994, Respondent administered the "noon" scheduled medications to residents beginning at 8:00 a.m., without a physician or nursing order, and without documenting the change in time of administration. Respondent's explanation was that in her experience some residents are resistant to taking medications, and become agitated at noon time.

6. On September 20, 1994, Respondent passed a medication to a resident and noted the medication as given on the patient record. Respondent then discovered that the resident had not swallowed the medication, so she put it in a medication cup and left it in an unlocked linen room in an Alzheimer unit. Respondent's explanation was that she intended to administer the medication at a later time but forgot to.

7. Respondent is not currently employed in the clinical practice of nursing.

### **CONCLUSIONS OF LAW**

By the conduct described above, Lorraine Hipke 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), (c) and (d), , and Wis. Adm. Code sec. N 7.03(1)(a), (b), (c) and (d) and N 7.04(15).

### **ORDER**

***NOW, THEREFORE, IT IS HEREBY ORDERED that :***

1. Lorraine Hipke is REPRIMANDED .

2. The license of Respondent to practice as a licensed practical nurse in the state of Wisconsin is LIMITED , in that Respondent shall not engage in the clinical practice of nursing or provide direct patient care until such time as she has certified to the Board of Nursing the successful completion of an approved LPN refresher course, which shall contain training in medication administration, documentation, and patient assessment. Prior to enrolling in training Respondent shall submit to the Board designee for approval a course outline, which shall include the name of the institution providing the instruction, the name of the instructor, and the course content.

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: Carol D. Burzema 13 MAR 97  
A Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
LORRAINE HIPKE, L.P.N.,	:	94 NUR 206
RESPONDENT	:	

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It is hereby stipulated between Lorraine Hipke, 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.

Lorraine Hipke L.P.N.  
Lorraine Hipke, L.P.N.

1-4-97.  
Date

James W. Harris  
James W. Harris, Attorney  
Division of Enforcement

January 15, 1997  
Date

jh

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Lorraine Hipke, L.P.N.,

AFFIDAVIT OF MAILING

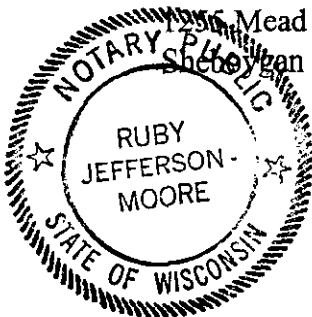
Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 20, 1997, I served the Final Decision and Order dated March 13, 1997, LS9611122NUR, upon the Respondent Lorraine Hipke, L.P.N. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 373 809.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Lorraine Hipke, L.P.N.  
1256 Mead Avenue  
Shelbyville WI 53081



Kate Rotenberg  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 20th day of March, 1997.

Ruby Jefferson-Moore  
Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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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:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 20, 1997

### 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.)