

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

CYNTHIA J. HICKINBOTHAM, LPN,	FINAL DECISION AND ORDER
RESPONDENT	LS0204043NUR

Division of Enforcement Case No. 00 NUR 089

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

Cynthia J. Hickinbotham
2401 South Clover Lane
Appleton WI 54915

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, 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. Cynthia J. Hickinbotham (D.O.B. 03/21/47) is duly licensed as a practical nurse in the state of Wisconsin (license #33088). This license was first granted on 06/08/95.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2401 South Clover Lane, Appleton, WI 54915.
3. On or about December 12, 1999 Respondent was working as a temporary service licensed practical nurse at St. Elizabeth Hospital ["St. Elizabeth's"], 1506 South Oneida Street, Appleton, Wisconsin. Respondent was assigned to the Child/adolescent Mental Health Unit.
4. On or about December 12, 1999, Respondent was assigned to care for EB, a six-year-old boy with a history of aggressive and uncontrollable behavior. Respondent put EB in time out for striking her and other patients. Following his time out, EB resumed hitting and kicking. Respondent then struck EB on the top of his head with her open hand.
5. Following this incident, Respondent received training in the following areas: human behavior, problem behaviors, safe interventions with aggressive behavior, and behavioral challenges. Respondent has not worked

with mental health patients since this incident.

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. By the conduct described above, Cynthia J. Hickinbotham is subject to disciplinary action against her Wisconsin nursing license, pursuant to sec. 441.07(1), Wis. Stats., and Wis. Admin. Code § N7.04 (4) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Cynthia J. Hickinbotham LPN (license #33088) is REPRIMANDED.

IT IS FURTHER ORDERED that the Wisconsin nursing license of Cynthia J. Hickinbotham (license #33088) is LIMITED as follows:

Practice restrictions

1. Until otherwise ordered by the Board, Respondent shall refrain from nursing employment providing care to mental health patients. Respondent may at any time petition the Board to revise or eliminate this condition. 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 Wis. Stats. §§227.01(3) and 227.42.

Continuing Education

2. Within six (6) months from the date of this order, Respondent shall submit documentation of successful completion of at least twelve (12) hours of therapy, continuing education, or other training acceptable to the Board in the areas of anger and stress management. To be acceptable, the course, therapy, or training shall be approved by a member or designated agent of the Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Respondent verifying her attendance and completion of course and/or therapy requirements.
3. Respondent shall be responsible for all expenses incurred for training and other reporting as required by this order.
4. Within six (6) months from the date of this order, Respondent shall submit documentation acceptable to the Board of successful return demonstration of a full and working knowledge of patient rights, as set forth in sec. 51.61, Wis. Stats.
5. Following completion of the continuing education, therapy, or other training referred to above, Respondent shall submit an evaluation of the training to the Division of Enforcement to assist the Division in developing future disciplinary policies and guidelines.

Department Monitor

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

Department Monitor c/o Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

TEL (608) 267-3817

FAX (608) 266-2264

Agency Caregiver Finding

7. If Respondent fails to fully and completely comply with all terms and conditions set forth above or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation,

the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services that the findings set forth in this Order shall thereafter constitute an agency finding of neglect for the purposes of secs. 48.685 and 50.065, Wis. Stats. Respondent shall then REFRAIN from any nursing employment in any facility licensed by the Wisconsin Department of Health and Family Services until such time as Respondent successfully completes a rehabilitation review administered by DHFS.

SUMMARY SUSPENSION

8. Violation of any of the terms of this Order may in addition be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

Effective date of Order

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

BOARD OF NURSING

By: Linda Sanner	4-4-02
On behalf of the Board	Date