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BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0305093NUR
KATHRYN A. LEE, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

Kathryn A. Lee, R.N.

623 1st Avenue
Durand, WI 54736

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 of Nursing. 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. Kathryn A. Lee, R.N., Respondent, date of birth November 4, 1951, is licensed by the Wisconsin Board of Nursing as a registered nurse in the State of Wisconsin pursuant to license number 107980, which was first granted September 5, 1991.

2. Respondent's last address reported to the Department of Regulation and Licensing is 623 1st Avenue, Durand, WI 54736.

3. During the events of this matter, Respondent was employed as a registered nurse at Chippewa Valley Hospital (Hospital) in Durand, Wisconsin.

4. On the evening of September 8, 2001, Respondent was at a local diner with some friends, who were not Hospital employees. While conversing with those friends, Respondent breached the confidentiality of a Hospital patient. There is a dispute over the extent of the breach.

- a) A witness to the conversation asserts that Respondent made comments about Ms. A, the operator of an adult foster home, with few residents, located in the community. The witness says Respondent: used the first name of a person she described as a resident of Ms. A's facility; said the previous week Ms. A brought him to the Hospital where he received a shot of Depo-Provera to control his sexual urges; and said the type of shot was most often used by child molesters and left the implication that the resident is a child molester.
- b) Respondent, and Respondent's friend, who took part in the conversation, assert that someone in their group said that Ms. A no longer had any sex offenders as residents and that Respondent said that was incorrect, that Ms. A had just brought one of them, identified as male, to the Hospital for his shot. They contend that Respondent did not use the patient's name and did not specify the medication.

5. Under either version of the facts, Respondent learned the confidential information in her employment as a registered nurse at the Hospital, did not have the patient's permission to release the information and violated patient confidentiality by disclosing the information.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.

2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by revealing information which concerns a patient's medical condition to members of the public, has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(10) and is subject to discipline pursuant to § 441.07(1)(d), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent, Kathryn A. Lee, R.N., is hereby REPRIMANDED for the conduct set out above.
2. Within 6 months of the date of this Order, Respondent shall take and complete:
 - a) *Confidentiality and Access to Medical Information*, a one hour online continuing education course offered by the University of Wisconsin – Madison School of Nursing.
 - b) An additional 3 hours of continuing education on the subject of legal issues in nursing, which course or courses shall first be approved by the Board, or its designee.
3. If Respondent is unable to complete the continuing education described in the preceding paragraph within 6 months of the date of this Order, Respondent shall, within that period of time, petition the Board, or its designee, for a reasonable extension of time within which to take and complete such continuing education. An extension shall be granted only in the event of an illness or other circumstance, which is found to be acceptable by the Board or its designee.
4. Respondent shall provide proof sufficient to the Board of Respondent's satisfactory completion of the continuing education within 30 days of completion.
5. Any request for: approval of continuing education, an extension of the time within which to complete the continuing education and evidence of completion of the continuing education required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
6. Respondent shall bear all costs incurred as a result of satisfying this Order.

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."

Dated at Madison, Wisconsin this 9th day of May, 2003.

Linda M. Sanner, R.N.

Chairperson

Board of Nursing