

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	:	FINAL DECISION AND ORDER
	:	
KIM M. NIKLASCH, LPN,	:	LS-0502011-NUR
RESPONDENT.	:	

03 NUR 128

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

Kim M. Niklasch, LPN
520 Scenic Dr. E.
West Bend, WI 53090

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

PROCEDURAL HISTORY

A formal Complaint and Answer have been filed. 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. Kim M. Niklasch (D.O.B. 10/31/64) is duly licensed in the state of Wisconsin as a practical nurse (license #30516). This license was first granted on 11/22/90. At all times relevant to the matters set forth below, respondent was employed as a nurse at the Linden Grove Health Care Center.
2. While caring for patient T.R. on 3/30/03, it came to respondent's attention that the patient was experiencing diarrhea. The patient's daughter requested that the patient be administered an anti-diarrhea medication, as the patient would be a passenger on an airplane the next day, as she was moving to another state, where the daughter resided. The physician was consulted, and clearly ordered that the patient not be administered such a product until the result of the laboratory test for *Clostridium difficile* was received.
3. Notwithstanding this order, Respondent admits that she became aware that the patient had acquired an over the counter anti-diarrhea product, Imodium®, and planned to take a dose of the product which respondent saw in the patient's room. Respondent failed to take any steps to record or report this fact or to remove the product from the patient's room.
4. The Board, in determining this matter, takes into account that Respondent's motive was to assist the patient in avoiding a loss of dignity during her travels.

CONCLUSIONS OF LAW

The Board is authorized to enter into this stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached stipulation is accepted.

IT IS FURTHER ORDERED:

1. The license and privilege of Kim M. Niklasch, LPN, to practice as a nurse in the state of Wisconsin is LIMITED as follows: Respondent shall, no later than 5/31/06, successfully complete 12 hours of continuing nursing education in the following areas: the role of an LPN, legal aspects of nursing, and patient advocacy. The proposed courses shall be pre-approved by the Board or its designee; respondent shall propose the courses through the Department Monitor. Any courses taken without pre-approval are taken entirely at Respondent's risk, and need not be approved subsequently, in the Board's discretion.

2. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. 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. In the event Respondent fails to timely submit any payment of the Costs as set forth below, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount determined by the Board, before her license is next renewed (May 1, 2007). The Administrative Law Judge shall submit a recommendation on this issue based upon the Record developed, and his proposed order shall be considered by the Board as provided in Wis. Stat. § 227.46(3).

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnsrud, RN, MS
A Member of the Board

11/10/05
Date