

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

MICHAEL D. LYNCH, L.P.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0000392

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Division of Enforcement Case # 10 NUR 247

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The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Michael D. Lynch, L.P.N.  
208 Gilmore Avenue  
Beaver Dam, WI 53916

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Board of Nursing  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael D. Lynch, L.P.N., (DOB 04/03/1974) is duly licensed as a practical nurse in the State of Wisconsin (license # 31-307730). This license was first granted on August 15, 2006.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 208 Gilmore Avenue, Beaver Dam, Wisconsin, 53916.

3. At all relevant times, Respondent worked as a practical nurse at a nursing home in Beaver Dam, Wisconsin.

4. It was reported to management that Respondent regularly failed to give a resident his prescribed Lactulose (a synthetic sugar used primarily to treat constipation). The Lactulose bottle was marked, and the level in the bottle did not go down when Respondent worked (but did go down when others worked).

5. When confronted, Respondent first claimed he had made an error. When it pointed out that this was not a one-time event, but a pattern, he stated that he was simply lazy.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-4 above constitutes a violation of Wisconsin Administrative Code § N 7.03(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

#### ORDER

##### IT IS ORDERED:

1. Michael D. Lynch, L.P.N., is REPRIMANDED.
2. The license of Michael D. Lynch, L.P.N., to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
  - a. Respondent, at his own expense, shall complete four (4) hours of pre-approved continuing education in medication administration, within 90 days of the date of this Order. Respondent is responsible for finding appropriate courses and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the Board's meeting schedule.
  - b. For at least two years from the date of this order, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health,

agency or pool position, or in any position that offers access to patient funds.

- c. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.
- d. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$100.00 pursuant to Wis. Stat. § 440.22(2).

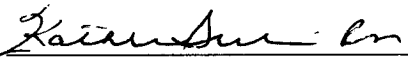
4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. 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 that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license may, in the discretion of the Board or its designee, be S USPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By:   
A Member of the Board

9-2-10  
Date