

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
MICHAEL J. BURK, R.N., : *ORDER 0000693*
RESPONDENT. :

Division of Enforcement Case # 10NUR347

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

Michael J. Burk, R.N.
1002 N. 2nd Avenue
Wausau, WI 54401

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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Michael J. Burk, R.N., (DOB 03/24/1960) is duly licensed as a registered nurse in the State of Wisconsin (license #99878-30). This license was first granted on September 7, 1988.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1002 N. 2nd Avenue, Wausau, Wisconsin 54401.

3. On or about July 23, 2010, Respondent signed for the administration of frozen plasma to a patient without verifying the information on the blood bag with the transfusion slip attached to the blood bag, and to the patient's red armband at the bedside, as policy dictates.

4. Complete transfusion reaction protocol was initiated and test results showed the patient did not have a transfusion reaction.

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 paragraph 3, above, constitutes a violation of Wis. Admin. Code § N 7.03(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED that:

1. Michael J. Burk, R.N. is REPRIMANDED.

2. The license of Michael J. Burk, R.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 blood product administration, within ninety (90) days of the date of this Order. Respondent is responsible for finding an appropriate course 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 ninety (90) day time frame, taking into account the board's meeting schedule. Respondent shall provide proof of completion of the continuing education to the Department Monitor.

b. Respondent shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.

c. For a period of at least two (2) 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.

d. 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 her employment and evaluating her work performance.

e. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

f. 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 ninety (90) days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of two hundred dollars (\$200.00) pursuant to Wis. Stat. § 440.22(2).

4. All petitions, payments, reports and other correspondence shall be 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, Respondent's license may, in the discretion of the Board or its designee, be **SUSPENDED**, 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.

BOARD OF NURSING

By: *Karen Shu*
Member of the Board

2 - 24 - 11
Date