

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

FINAL DECISION AND ORDER

TIMOTHY J. GIBNESKI, R.N., :
RESPONDENT. :

Order ORDER 0001001

Division of Enforcement Case #11 NUR 155

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

Timothy J. Gibneski, R.N.
6104 Merrill Street
McFarland, WI 53558-9423

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

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. Timothy Gibneski (D.O.B. 11/03/1953) is duly licensed in the state of Wisconsin as a professional nurse (license # 121444). This license was first granted on 11/10/1995.

2. On April 7, 2010, respondent was employed by the Veterans Administration as a professional nurse in an inpatient psychiatric unit. Respondent was conducting an intake evaluation on a patient who had apparently attempted suicide by taking an overdose of an antidepressant medication. Respondent then proceeded to describe alternate methods of suicide that were more effective.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against his license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code §§ N 7.03(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Timothy J. Gibneski, RN, is REPRIMANDED for his unprofessional conduct in this matter.
2. The license of Respondent to practice as a nurse in the state of Wisconsin is LIMITED as follows:
 - a. Within 60 days of the date of this order, Respondent shall undergo an examination by a licensed psychologist acceptable to the Board, for the purpose of determining whether Respondent is fit for duty as a professional nurse.
 - b. Within 60 days of the date of this order, Respondent shall demonstrate successful completion of the following courses, offered by the National Council of State Boards of Nursing's Learning Extension, or substantially equivalent courses which have been preapproved by the Board or its designee: "Ethics of Nursing Practice" and "Professional Boundaries."
 - c. Respondent shall provide his nursing employers with a copy of this Order before engaging or continuing in any nursing employment.

The Limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that he has successfully completed all of the ordered continuing education, and is found to be fit for duty without limitation.

3. 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, or based upon the recommendations of the examining psychologist. In the event Respondent fails to timely comply with the ordered continuing education as set forth above, the Respondent's license may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has demonstrated satisfactory completion of the continuing education.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Wisconsin pursuant to a multistate licensure privilege without the written permission of the Wisconsin Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$200, within 30 days of this Order. If not paid, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until they are paid in full, including any accrued interest.

WISCONSIN BOARD OF NURSING

By: L. Mary Rao APRN
A Member of the Board

Date 7/21/11

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