

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KIM A. MITTELSTADT, R.N., A.P.N.P.,	:	
RESPONDENT.	:	ORDER 0001067

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Division of Enforcement Case No. 11NUR029

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

Kim A. Mittelstadt, R.N., A.P.N.P.  
1432 E. Keystone Lane  
Appleton, WI 54913

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. Kim A. Mittelstadt, R.N., A.P.N.P., (DOB 05/05/1961) is duly licensed as a professional nurse in the State of Wisconsin (license no. 30-86884). This license was first granted on July 23, 1999. Respondent is also credentialed as an advanced practice nurse prescriber (license no. 33-3159). This credential was granted August 9, 2007.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1432 E. Keystone Lane, Appleton, WI 54913.

3. On January 22, 2009, Respondent wrote and filled a prescription for Provigil under her 16-year-old son's name ("K.M."). Respondent refilled the prescription on March 19, 2009. Respondent's ex-husband noticed the prescription on his insurance benefits summary and confronted K.M. about the prescription, as there was record of Provigil ever being prescribed to K.M. in his medical records, and K.M. denied ever knowing about or taking the medication.

4. When questioned by her ex-husband, Respondent stated that she wrote the prescription and filled it for her personal use.

### 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 above constitutes a violation of Wisconsin Administrative Code § N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

### ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Kim A. Mittelstadt, R.N., A.P.N.P., is REPRIMANDED.

2. The license of Kim A. Mittelstadt, R.N., A.P.N.P., to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education addressing ethical distribution of prescribed medication within ninety (90) days of the date of this Order. Respondent is responsible for finding 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. For a period of at least two (2) years from the date of this Order:
- i. Respondent shall not consume any controlled substance listed in Schedule I-IV without a valid prescription of an authorized prescriber, and for a valid medical purpose. Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis, forthwith upon such request.
  - ii. Respondent's supervisor(s) shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.
  - iii. 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. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.
4. 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 Five Hundred Dollars (\$500.00), pursuant to Wis. Stat. § 440.22(2).
5. Any requests, petitions, reports, or payments shall be mailed, faxed or delivered to:
- 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
6. 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 comply with the ordered

continuing education or fails to timely submit payment of the 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 payment of the costs or completion of the continuing education.

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

Dated at Madison, Wisconsin this 1 day of Sept, 2011.

Board of Nursing

By:

Lachar Weir, CRNA, APRN  
A Member of the Board