

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KIMBERLY A. MERGEN, R.N.,	:	
RESPONDENT.	:	ORDER 0001134

Division of Enforcement Case No. 11NUR114

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

Kimberly A. Mergen, R.N.
18 Cypress Drive
Duluth, MN 55810

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Safety and Professional Services
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. Kimberly A. Mergen, R.N., (DOB 03/10/1966) is duly licensed as a professional nurse in the State of Wisconsin (license no. 132346-30). This license was first granted on June 17, 1999. Respondent is also licensed as a registered nurse in the State of Minnesota (license no. 129382-2).

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 18 Cypress Drive, Duluth, MN 55810.

3. At all times relevant to this matter, Respondent was employed as the Director of Nursing ("DON") and Owner of Golden Living Center in Superior, Wisconsin.

4. On July 9, 2007, Respondent was convicted of a misdemeanor Operate Motor Vehicle Under Influence of Alcohol ("DWI") in Minnesota. Respondent failed to report the conviction to the Department of Regulation and Licensing as required by Wis. Admin. Code § RL 4.09(2).

5. On November 19, 2010, Respondent was convicted of a misdemeanor DWI in Minnesota, which occurred in December 2009. Respondent failed to report the conviction to the Department of Regulation and Licensing as required by Wis. Admin. Code § RL 4.09(2).

6. The investigation of this matter found insufficient evidence of impairment or substance abuse that would impact Respondent's ability to practice nursing in a safe manner or manner below minimum standards of competency.

7. Respondent's failure to report her 2007 and 2010 convictions to the Department of Safety and Professional Services deviated from standard practice and minimum standards of competence in the practice of nursing.

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 § RL 4.09(2), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Kimberly A. Mergen, R.N., is REPRIMANDED.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of Six Hundred Dollars (\$600.00), pursuant to Wis. Stat. § 440.22(2).

3. Any requests, petitions, reports, or payments shall be mailed, faxed or delivered to:

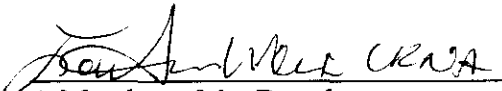
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

4. 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 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.

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

Dated at Madison, Wisconsin this 6 day of Oct, 2011.

Board of Nursing

By: 
A Member of the Board