

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. SHEPPARD, L.P.N.,	:	
RESPONDENT.	:	ORDER 0002251

Division of Legal Services and Compliance¹ Case No. 12 NUR 061

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

Kimberly A. Sheppard, L.P.N.
4805 Ruby Avenue
Racine, WI 53402

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board of Nursing (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kimberly A. Sheppard, L.P.N., (dob: September 18, 1963) is licensed in the State of Wisconsin as a practical nurse, having license number 31-314512, first issued on September 22, 2011 and current through April 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4805 Ruby Avenue, Racine, Wisconsin 53402.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant, Respondent was employed as a practical nurse at Lincoln Village Convalescent Center ("Center") in Racine, Wisconsin.

3. Between December 6, 2011 and January 18, 2012, Respondent dispensed Lorazepam, Clonazepam and hydrocodone, and recorded them on the controlled drug use record, but failed to document that the narcotics were administered on the residents' medication administration record.

4. When questioned, residents denied requesting the narcotics and denied ever receiving them.

5. On January 24, 2012, Respondent tested positive for benzodiazepines and oxazepam, for which Respondent has a prescription.

6. Respondent denies the misuse of narcotics but failed to appropriately document the administration of medication which did not meet minimum standards of competence in the practice of nursing. However, she has cooperated fully with the Division and her agreement to this order is evidence of her commitment to the safe and competent practice of nursing and good faith recognition of her errors.

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 pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes a violation of Wis. Admin. Code § N 7.03(1)(b).

3. Therefore, Respondent Kimberly A. Sheppard, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kimberly A. Sheppard, L.P.N., is REPRIMANDED.

3. The practical nurse license issued to Respondent Kimberly A. Sheppard, L.P.N., (license number 31-314512) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education addressing safe medication administration and 4 hours of pre-approved continuing education addressing documentation. 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 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 one (1) year from the date of this Order, Respondent's nursing 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.
- c. 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.

Random Drug Screens

- d. At any time within two (2) years from the date of this Order, 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 urine or hair (as designated by the requesting person) for analysis. One pre-scheduled drug screen shall be scheduled six (6) months from the date of this Order.
- e. If any urine or hair specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- f. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.

3. After one (1) year of working as a nurse at least half-time, 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. Within 120 days from the date of this Order, Respondent Kimberly A. Sheppard, L.P.N., shall pay COSTS of this matter in the amount of \$150.00.

5. Proof of successful course completion, quarterly reports, drug screen reports, petitions and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education, requested reports as set forth above, Respondent's license (no. 31-314512) 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, requested reports and completion of the education.

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

WISCONSIN BOARD OF NURSING

by:

Julius Nelson
A Member of the Board

Date

1/10/13