

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

ROBERT A. LINDBERG, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003397

Division of Legal Services and Compliance Case No. 14 NUR 061

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

Robert A. Lindberg, R.N.
1638 Willow Creek Parkway
Chippewa Falls, WI 54729

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Wisconsin 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 Robert A. Lindberg, R.N., (dob April 26, 1964) is licensed in the state of Wisconsin to practice professional nursing, having license number 174994-30, first issued on December 30, 2010 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1638 Willow Creek Parkway, Chippewa Falls, Wisconsin 54729.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital located in Eau Claire, Wisconsin.

3. On July 19, 2013, while supervising radiology technician N.K., Respondent and N.K. attempted to assess a new radiographic machine that was not producing diagnostic quality images.

4. Respondent volunteered to undergo a test radiograph. Respondent directed the radiology technician to use Respondent as a test patient, even though there was no order to do so from a physician, dentist or chiropractor.

5. The radiology technician asked Respondent whether or not there was a hospital policy concerning using an employee as a “test patient.” Respondent informed the radiology technician that there was no policy and to proceed with his directive.

6. Respondent positioned himself on the table and the radiology technician took four (4) radiograph images of Respondent.

7. Radiation exposure has serious health implications, creates a lifetime cumulative dose and may be a carcinogenic.

8. Respondent states that he volunteered to submit himself to the radiation exposure in part to avoid endangering patients and that he did not believe the exposure was a significant issue.

9. Respondent does not admit that his conduct was improper, but in resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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. Wis. Stat. § 441.001(4) defines “professional nursing” as:

“ . . . the performance for compensation of any act in the observation or care of the ill, injured, or infirm, or for the maintenance of health or prevention of illness of others, that requires substantial nursing skill, knowledge, or training, or application of nursing principles based on biological, physical, and social sciences. Professional nursing includes any of the following:

(a) The observation and recording of symptoms and reactions.

(b) The execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447, or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, dentistry, or optometry in another state if the person making the order prepared the order after examining the

patient in that other state and directs that the order be carried out in this state.

(c) The execution of general nursing procedures and techniques.

(d) Except as provided in s. 50.04(2)(b), the supervision of a patient and the supervision and direction of licensed practical nurses and less skilled assistants.”

3. The act of ordering a radiograph is outside the scope of a professional nurse.

4. By the conduct described in the Findings of Fact, Robert A. Lindberg, R.N., engaged in unprofessional conduct as defined in Wis. Admin Code § N 7.04(5), by practicing beyond the scope of professional nursing practice permitted by law.

5. As a result of the above conduct, Robert A. Lindberg, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert A. Lindberg, R.N., is REPRIMANDED.

3. The professional nursing license issued to Robert A. Lindberg, R.N., (license number 174994-30) and his 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 shall at his own expense, successfully complete two (2) hours of remedial education on the topic of legal aspects of nursing and three (3) hours of remedial education on the topic of basic principles of radiation. These remedial education courses shall be pre-approved by the Board or its designee. Successful completion of remedial education courses includes taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Robert A. Lindberg, R.N., shall pay COSTS of this matter in the amount of \$250.00.

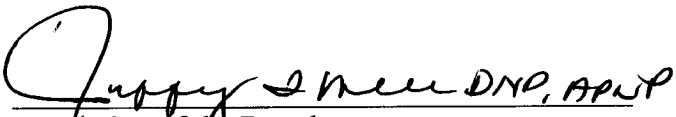
5. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including failure to complete education as required, 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 as set forth above, Respondent's license (no. 174994-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submits proof of completion of the education.

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

9-11-14
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT A. LINDBERG, R.N.,
RESPONDENT.

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:
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:
:

STIPULATION

0003397

Division of Legal Services and Compliance Case No. 14 NUR 061

Respondent Robert A. Lindberg, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

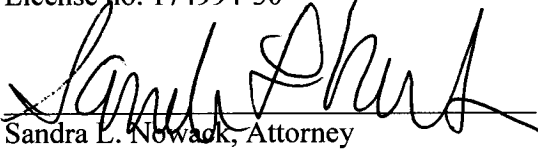
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Robert A. Lindberg, Respondent
1638 Willow Creek Parkway
Chippewa Falls, WI 54729
License no. 174994-30

7-9-14
Date


Sandra L. Nowack, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

7/9/14
Date

RECEIVED

JUL 17 2014

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF ENFORCEMENT