

## 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

JEAN M. KIRKEBY, L.P.N.,  
LICENSEE.

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:  
:  
:

FINAL DECISION AND ORDER  
FOR REMEDIAL EDUCATION

00039 02

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Division of Legal Services and Compliance Case No. 14 NUR 393

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

Jean M. Kirkeby, L.P.N.  
1731 Polaris Avenue  
Racine, WI 53404

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. Licensee Jean M. Kirkeby, L.P.N., (dob September 5, 1955) is licensed in the State of Wisconsin as a practical nurse, having license number 21422-31, first issued on May 18, 1979 and current through April 30, 2015. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1731 Polaris Avenue, Racine, Wisconsin 53404.

2. At all times relevant to this proceeding, Licensee was employed as a professional nurse at a residential facility (Facility), located in Racine, Wisconsin.

3. On July 9, 2014, Resident A approached the nursing station while Licensee was receiving the shift report from another nurse. Resident A was verbally disruptive and Licensee told the resident to return to his room.

4. Resident A did not return to his room so Licensee grabbed him by the arm and began to pull him toward his room. Resident A pulled away and yelled at Licensee to get away from him. Licensee and Resident A then began yelling at each other.

5. Resident A was directed back to his room by another staff member.

6. In resolution of this matter, Licensee 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).

#### ORDER

1. The attached Stipulation is accepted.

2. Within 6 months of the date of this Order, Jean M. Kirkeby, L.P.N., shall at Licensee's own expense take and successfully complete four (4) hours of education on the topic of patient's rights and four (4) hours of education on the topic of ethics and professionalism as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee 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 education requirements that have been or may be instituted by the Board or Department.

3. Within 120 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$100.00.

4. 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 Licensee 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

5. 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 Licensee'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 Licensee 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, Licensee's license (no. 21422-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of costs and submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by: Judy Miller DNP, APRN  
A Member of the Board

4-9-15  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF           :  
  :  
JEAN M. KIRKEBY, L.P.N.,                   :  
  :  
  :  
  :

STIPULATION  
  
0003902

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Division of Legal Services and Compliance Case No. 14 NUR 393

Licensee Jean M. Kirkeby, L.P.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. Licensee consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

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

4. Licensee 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

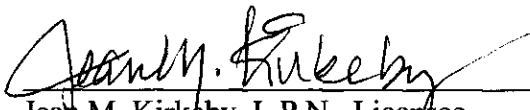
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In

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.

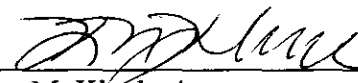
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Jean M. Kirkeby, L.P.N., Licensee  
1731 Polaris Avenue  
Racine, WI 53404  
License no. 21422-31

3/10/15  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison WI 53707-7190

3/11/15  
Date