

## 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 THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
NANCY K. KESY, L.P.N.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	

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0004060

Division of Legal Services and Compliance Case No. 14 NUR 026

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

Nancy K. Kesy, L.P.N.  
1636 S. 115<sup>th</sup> Ct., Unit F8  
West Allis, WI 53214

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 Nancy K. Kesy, L.P.N., (dob April 7, 1950) is licensed in the State of Wisconsin as a practical nurse, having license number 31822-31, first issued on May 21, 1993 and current through April 30, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1636 South 115<sup>th</sup> Court, Unit F8, West Allis, Wisconsin 53214.

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

3. Patient A is an 84 year-old male diagnosed with peripheral vascular disease (PVD) with physician's orders to have Eucerin® lotion applied to his feet twice a day (BID) and to wear foam boots while in bed. Patient A was to have a skin assessment completed on every shift with a weekly skin check.

4. Patients with PVD are at an increased risk for developing open skin areas on their feet which can lead to osteomyelitis.

5. On December 5, 2013, an advanced practice nurse practitioner (APNP) performed an assessment of Resident A's toes. She documented mild discoloration of the skin of the feet and distal lower left, PVD and that mychotic changes to nails were apparent.

6. During the Facility investigation, Licensee admitted to not always conducting a skin check of Patient A's feet and not applying the Eurcerin® lotion, as ordered.

7. On December 17, 2013, Patient A was transported and admitted to a hospital for complaints of chest pain. While at the hospital, it was discovered that Patient A had a cellulitis ulcer probing to the bone in his right second toe. The toe was amputated.

8. 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 is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Nancy K. Kesy, L.P.N., shall at her own expense take and successfully complete four (4) hours of education on the topic of skin checks 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.

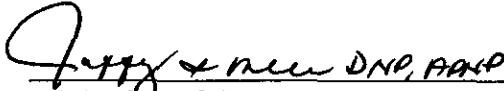
3. Within 120 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$625.

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  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

by:   
A Member of the Board

10.11.15  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NANCY K. KESY, L.P.N.,  
LICENSEE.

:  
:  
:  
:  
:

STIPULATION

0004060

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Division of Legal Services and Compliance Case No. 14 NUR 026

Licensee Nancy K. Kesy, 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. Licensee is  
represented by Attorney Julia B. Semenak.

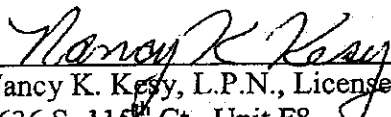
4. Licensee agrees to the adoption of the attached Final Decision and Order by the  
Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the  
attached Final Decision and Order without further notice, pleading, appearance or consent of the  
parties. Licensee waives 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 or Licensee's attorney, 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.

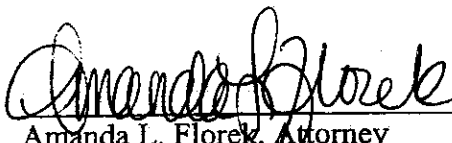
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Nancy K. Kesy, L.P.N., Licensee  
1636 S. 115<sup>th</sup> Ct., Unit F8  
West Allis, WI 53214  
License no. 31822-31

6/1/15  
Date

  
Julia B. Semenak, Attorney for Licensee  
Borgelt Powell Peterson & Frauen S.C.  
735 N. Water St., 15<sup>th</sup> Floor  
Milwaukee, WI 53202-4188

6/1/15  
Date

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

6/2/15  
Date