

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Before the
State Of Wisconsin
Board of Nursing

In the Matter of Disciplinary Proceedings Against
Kim M. Lippold, L.P.N., Respondent

FINAL DECISION AND ORDER

0004281

Order No. _____

Division of Legal Services and Compliance Case No. 14 NUR 524

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 8th day of October, 2015.

Handwritten signature of Daryl Krause in cursive script.

Member
Board of Nursing



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of Disciplinary Proceedings Against
Kim M. Lippold, L.P.N., Respondent

DHA Case No. SPS-15-0031
DLSC Case No. 14 NUR 524

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Kim M. Lippold, L.P.N.
1305 West South Park Avenue, Apt. H
Oshkosh, WI 54902-6696

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

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

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

PROCEDURAL HISTORY

These proceedings were initiated when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed and served a formal Complaint on March 11, 2015 against Respondent Kim M. Lippold, L.P.N. (Respondent), alleging that Respondent had engaged in misconduct by administering or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law, in violation of Wis. Admin. Code § N 7.03(8)(e). On March 29, 2015, Respondent filed an Answer to the Complaint denying the allegations.

On March 31, 2015, the undersigned Administrative Law Judge (ALJ) issued a Notice of Telephone Prehearing Conference which set a telephone prehearing conference for April 10, 2015.

On April 10, 2015, the prehearing conference was held with the ALJ and parties participating. The ALJ issued a Prehearing Conference Report and Scheduling Order in which the contested case hearing was scheduled for August 25, 2015 at 10:00 a.m. The Order also required exhibits and witness lists and copies of exhibits to be filed by August 14, 2015.

On May 4, 2015, the Division filed an Amended Complaint, adding an allegation that Respondent administered, supplied or obtained any drug other than in the course of legitimate practice, in violation of Wis. Admin. Code § N 7.04(2).¹ Respondent failed to file a timely Answer to the Amended Complaint.

On June 4, 2015, the ALJ issued a Notice of Telephone Status Conference which set a telephone status conference for June 11, 2015. On June 11, 2015, the status conference was held with the ALJ and parties participating. Following the status conference, the ALJ issued a Briefing Order requiring Respondent to file an Amended Answer to the Amended Complaint by June 25, 2015.

On June 24, 2015, Respondent filed an Answer to the Amended Complaint denying that she engaged in misconduct. Respondent failed to file a witness or exhibit list or any exhibits.

On August 25, 2015, Respondent failed to appear at the hearing. The Division's attorney moved for default judgment pursuant to Wis. Admin. Code SPS §2.14 based on Respondent's failure to appear. The Division also presented the testimony of the Department's administrative rules coordinator, Sharon Henes.

The ALJ granted the motion for default and issued a Notice of Default and Order against Respondent, which required the Division to file a recommended proposed decision and order by September 14, 2015. On September 1, 2015, the Division timely filed its submission.

FINDINGS OF FACT

Facts Related to the Alleged Violations

Findings of Fact 1-9 are taken from the Division's Amended Complaint against Respondent filed in this matter.

1. Respondent Kim M. Lippold, L.P.N. (D.O.B. April 11, 1966), is licensed in the State of Wisconsin as a practical nurse, having license number 34626-31, first issued on March 13, 1998 and current through April 30, 2017.

2. Respondent's most recent address on file with the Department is 1305 West South Park Avenue, Apartment H, Oshkosh, Wisconsin 54902-6696.

¹ All references to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

3. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a hospital (Hospital), located in Fond Du Lac, Wisconsin.

4. In December 2013, by her own admission, Respondent diverted Tramadol from an inpatient unit at the Hospital.

5. In January 2014, Respondent underwent a drug and alcohol assessment and was diagnosed with opiate dependence.

6. On September 5, 2014, Respondent underwent a random drug test at the Hospital and the test was positive for the presence of amphetamines for which Respondent did not have a prescription.

7. Pursuant to Wis. Stat. § 961.16(5)(a), an amphetamine is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

8. On September 8, 2014, at 6:36 a.m., Respondent withdrew two 0.5 mg. tablets of Suboxone from the medication dispensing machine. Respondent did not document administration, return or wasting of the medication.

9. Suboxone is a brand name for buprenorphine, which, pursuant to Wis. Stat. § 961.18(5m)(a), is a schedule III controlled substance, for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(3).

Facts Related to Default

10. On April 10, 2015, a prehearing conference was held at which the parties agreed to a hearing date of August 25, 2015. The ALJ issued a Prehearing Conference Report and Scheduling Order in which the contested case hearing was scheduled for August 25, 2015 at 10:00 a.m.

11. At the hearing held on August 25, 2015, Respondent failed to appear by 10:15 a.m. The Division's attorney moved for default judgment pursuant to Wis. Admin. Code SPS § 2.14 based on Respondent's failure to appear at the hearing. The ALJ granted the motion for default and issued a Notice of Default and Order on August 25, 2015.

12. Consistent with the Notice of Default and Order, the Division timely filed its recommended proposed decision and order on September 1, 2015. Respondent failed to respond to either the ALJ's Notice of Default and Order or to the Division's submission.

DISCUSSION AND CONCLUSIONS OF LAW

Default

As stated in the August 25, 2015 Notice of Default and Order, Respondent is in default for failing to appear at the contested case hearing held on August 25, 2015. Accordingly, an order may be entered against Respondent on the basis of the Complaint and other evidence. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3).

Violations of Wisconsin Statute and Administrative Code

Following an investigation and disciplinary hearing, if the Wisconsin Board of Nursing (Board) determines that a nurse has violated an administrative rule adopted by the Board under Subchapter 1 of Chapter 441 of the Wisconsin Statutes or has committed misconduct or unprofessional conduct, it may reprimand the nurse or may revoke, limit, or suspend the nurse's license. Wis. Stat. § 441.07(1g)(b) and (d) (formerly numbered as Wis. Stat. § 441.07(1)(b) and (d) (2011-2012)).

By diverting Tramadol in December 2013 from an inpatient unit at the Hospital where she was employed, Respondent engaged in misconduct or unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2)² by administering, supplying or obtaining any drug³ other than in the course of legitimate practice or as otherwise prohibited by law. As a result of this violation, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d) (2011-2012).

By testing positive for amphetamines during a random drug test on September 5, 2014 at the Hospital where she was employed and by withdrawing Suboxone from the Hospital's medication dispensing machine on September 8, 2014, Respondent violated Wis. Admin. Code § N 7.03(8)(e)⁴ by administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law. As a result of this violation, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).⁵

² As it existed prior to amendments effective August 1, 2014, Wis. Admin. Code § N 7.04(2) defined misconduct or unprofessional conduct to include "[a]dministering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law."

³ Pursuant to Wis. Admin. Code § N 7.02(2), the term "drug" has the meaning contained in Wis. Stat. § 450.01(10). As testified to by the Division's administrative rules coordinator, prior to the correction of Wis. Admin. Code § N 7.02(2), effective September 1, 2015, the definition of "drug" contained an erroneous cross-reference to Wis. Stat. § 450.06, rather than to the correct statute, Wis. Stat. § 450.01(10). There is no dispute in the instant case that the substances at issue (Tramadol, amphetamines and Suboxone) are drugs, as defined by Wis. Stat. § 450.01(10) and Wis. Admin. Code § N 7.02(2).

⁴ This provision states that grounds for taking disciplinary action against a nursing license include "(8) Improper prescribing, dispensing, or administering medication or drug related offenses, including any of the following: . . . (e) Obtaining, possessing or attempting to obtain or possess a drug without lawful authority."

⁵ In the Division's "Conclusions of Law" and "Discussion" sections of its recommended proposed decision and order, rather than properly citing Wis. Admin. Code § N 7.03(8)(e), the Division cites an incorrect administrative provision, Wis. Admin. Code § N 7.03(1)(b), a provision not cited in either its original Complaint or Amended Complaint, and which relates to discipline being imposed in another state. Elsewhere in its submission, however, the Division cites the code sections alleged as violations in the Amended Complaint, namely, Wis. Admin. Code § N 7.04(2) (as it existed prior to August 1, 2014), and Wis. Admin. Code § N 7.03(8)(e).

Appropriate Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Department requests imposition of the Board's standard impairment order, set forth in the Order section below, which includes an indefinite suspension of Respondent's license and a five-year period of monitoring and AODA treatment, following which the Board may grant a petition for a return of full licensure. The impairment order also prohibits working as a home-care nurse and in other settings where there is no supervision. It further provides the opportunity for a stay of the suspension after a period of time, if the Board, in its discretion, deems such action appropriate.

The impairment order recommended by the Division is consistent with prior discipline imposed by the Board for conduct in which a nurse engages in the unauthorized use of alcohol or drugs. *See e.g., In the Matter of Disciplinary Proceedings Against Michael Duane Polivka, R.N.*, Order No. LS0702021NUR (April 19, 2007); *In the Matter of Disciplinary Proceedings Against Brian J. Reynolds, R.N.*, Order No. 0002520 (July 11, 2013); *In the Matter of Disciplinary Proceedings Against Denise F. Linder, R.N.*, Order No. 0511141NUR (Mar. 9, 2006).

Moreover, the discipline requested is appropriate here. Respondent's conduct of diverting Tramadol while working at a hospital is a significant breach of trust. Diverting medications violates a fundamental duty with which every nurse is entrusted: the responsible handling of controlled substances that they have access to by virtue of their professional licenses. Regardless of whether Respondent diverted the medications for her personal use, for the use of family members or friends or for selling on the street, she has demonstrated that she cannot be trusted with the privilege of handling these medications. In addition, Respondent was found to have ingested amphetamines for which she did not have a prescription, and withdrew Suboxone from the Hospital's medicating dispensing machine without administering it to the patient. Respondent has also been diagnosed with opiate dependence.

The discipline imposed will best serve to protect the public, rehabilitate Respondent by providing her with the substance abuse treatment she needs, and deter the public from engaging in similar conduct.

Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. *See also Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board.*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385 (Board may, in its discretion, "assess all or part of the costs of the proceeding" against licensee if Board takes disciplinary action). Factors to consider with respect to imposition of costs include: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the cooperation of the respondent; (5) any prior discipline; and (6) the fact that the Department is a program revenue agency, funded by other licensees. *See In*

the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz, Order No. LS 0802183 CHI (Aug. 14, 2008).

The Division requests that the full costs of these disciplinary proceedings be imposed on Respondent. This recommendation is appropriate. Respondent has not presented any evidence regarding any of the above factors that would mitigate the imposition of the full costs of this proceeding. The factual allegations were deemed admitted and proven and there is no argument to apportion any counts that were unproven, or that certain factual findings were investigated and litigated that were unnecessary. Respondent's conduct was serious – diverting medication from her employer intended for patients, and ingesting amphetamines for which she did not have a prescription. Further, Respondent's refusal to cooperate in the hearing demonstrates a lack of appreciation of her misconduct and a refusal to accept responsibility for her actions.

Finally, given the fact that the Department is a “program revenue” agency, whose operating costs are funded by the revenue received for licensees, fairness dictates imposing the costs of disciplining Respondent upon Respondent and not fellow members of the nursing profession who have not engaged in such conduct.

ORDER

Accordingly, IT IS ORDERED that the professional nursing license issued to Respondent Kim M. Lippold, L.P.N. (license number 34626-31), is SUSPENDED as follows:

SUSPENSION

- A.1. Respondent's license to practice as a nurse in the State of Wisconsin is SUSPENDED for an indefinite period.
- A.2. The privilege of Respondent to practice as a nurse in the State of Wisconsin under the authority of another state's license pursuant to the Nurse Licensure Compact is also SUSPENDED for an indefinite period.
- A.3. During the pendency of this Order and any subsequent related orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.
- A.4. Respondent shall mail or physically deliver all indicia of Wisconsin nursing licensure to the Department Monitor within 14 days of the effective date of this order. Limited credentials can be printed from the Department of Safety and Professional Services website at <http://dsps.wi.gov/index.htm>.
- A.5. Upon a showing by Respondent of continuous, successful compliance for a period of at least five years with the terms of this Order, including at least 600 hours of active nursing for every year the suspension is stayed, the Board may grant a petition by Respondent under paragraph D.6. for return of full Wisconsin licensure. The Board may, on its own

motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

STAY OF SUSPENSION

- B.1. The suspension of Respondent's Wisconsin nursing license may not be stayed for a period of at least three months. After that time, the Board, in its discretion may stay the suspension, upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
 - (a) Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.

- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by D.5., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and

provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

- C.10. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- C.11. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- C.12. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph C.11.

Drug and Alcohol Screens

- C.13. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
- C.14. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five hours of notification of a test.
- C.15. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year, for the first year of this Order. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests. The Board may adjust the frequency of testing on its own initiative at any time.

- C.16. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, 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.
- C.17. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- C.18. 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, fault in the chain of custody or other valid defense.
- C.19. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- C.20. Respondent may not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. If Treater subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.
- C.21. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee.
- C.22. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- C.23. Respondent may not work in a home health care, hospice, pool nursing, assisted living, or agency setting.
- C.24. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- C.25. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.
- C.26. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports, education and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

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

Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others and education as ordered in paragraph 2 below. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent.
- D.3. Every three months Respondent shall notify the Department Monitor of Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- D.4. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.5. Respondent may petition the Board on an annual basis for modification of the terms of this Order; however, no such petition for modification shall occur earlier than one year from the date of the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

D.6. Respondent may petition the Board for termination of this Order any time after five years from the date of the initial stay of the suspension. However, no petition for termination shall be considered without a showing of continuous, successful compliance with the terms of the Order, for at least five years.

IT IS FURTHER ORDERED that Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

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

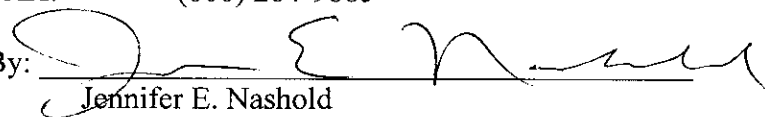
IT IS FURTHER ORDERED that the terms of this Order are effective the date the Final Decision and Order in this matter is signed by the Board.

IT IS FURTHER ORDERED that the above-captioned matter be and hereby is closed as to Respondent Kim M. Lippold, L.P.N.

Dated at Madison, Wisconsin on September 8, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____


Jennifer E. Nashold
Administrative Law Judge