

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

CHRISTOPHER M. KAPHAEM, R.N.,
RESPONDENT.

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:
:
:
:

0005657

INTERIM ORDER

Division of Legal Services and Compliance Case No. 18 NUR 082

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

Christopher M. Kaphaem, R.N.
7825 Twinflower Dr.
Madison, WI 53719

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 interim 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 Christopher M. Kaphaem, R.N., (dob March 25, 1975) is licensed in the State of Wisconsin as a professional nurse, having license number 145320-30, first issued on September 11, 2003, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7825 Twinflower Drive, Madison, Wisconsin 53719.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital (Hospital), located in Madison, Wisconsin.

3. On February 15, 2018, the Division of Legal Services and Compliance opened an investigation of Respondent on behalf of the Board. That investigation is based on allegations that between April of 2017 and February of 2018, several babies in the Hospital neonatal intensive care unit (NICU) suffered unexplained injuries during the time Respondent was providing care to the patients.

4. Respondent is currently suspended from the Hospital.

5. Law enforcement is currently investigating the allegations.

6. As of February 22, 2018, Respondent has not been charged with a crime related to the above allegations.

7. The Board has not made a determination as to the validity of the above allegations.

8. Respondent voluntarily agrees to enter into this order to focus on the criminal case and understands that this case will resume after the criminal matter has been resolved.

9. Respondent's consent to the entry of this order does not constitute an admission of the allegations reference in paragraph 3.

10. Respondent has voluntarily agreed not to engage in the practice of professional nursing pending final resolution of the law enforcement investigation, any potential criminal proceedings and these disciplinary proceedings.

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. The license of Christopher M. Kaphaem, R.N., (license number 145320-30) to practice nursing in the State of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are SUSPENDED indefinitely from the date of this Order.

3. Respondent shall not engage in the practice of nursing while his license to do so is suspended.

4. This Interim Order shall remain in effect until a Final Decision and Order is issued by the Board.

5. Violation of any of the terms of this Interim Order will be considered a violation of a Board order and Respondent will be subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

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

WISCONSIN BOARD OF NURSING

by: Sherry Krause (D)
A Member of the Board

Date 3/19/18

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

0005657

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

INTERIM ORDER
STIPULATION

CHRISTOPHER M. KAPHAEM, R.N.,
RESPONDENT.

Division of Legal Services and Compliance Case No. 18 NUR 082

Respondent Christopher M. Kaphaem, 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. Respondent is represented by Attorney Peyton B. Engel.

4. Respondent agrees to the adoption of the attached Interim Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Interim 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 Interim Order.

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

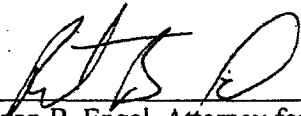
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Interim Order.



Christopher M. Kaphaem, R.N., Respondent
7825 Twinflower Dr.
Madison, WI 53719
License no. 145320-30

3/15/2018

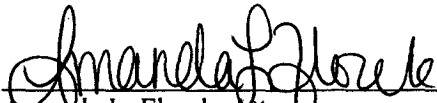
Date



Peyton B. Engel, Attorney for Respondent
Hurley, Burish & Standton, S.C.
33 E. Main St., Suite 400
P.O. Box 1528
Madison, WI 53701-1528

3/15/2018

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

3/15/18

Date