

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 :
: FINAL DECISION AND ORDER
KIM F. HUGO, L.P.N., :
RESPONDENT. :
ORDER 0006268

Division of Legal Services and Compliance Case No. 18 NUR 233

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

Kim F. Hugo, L.P.N.
659 Pine Street
Amery, WI 54001-1556

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 Kim F. Hugo, L.P.N., (DOB March 17, 1960) is licensed in the state of Wisconsin as a practical nurse, having license number 24808-31, first issued on June 7, 1982, and current through April 30, 2021. Respondent’s most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 659 Pine Street, Amery, Wisconsin 54001-1556.

2. At all times relevant to this proceeding, Respondent was affiliated with a personal care provider organization (PCPO) in Hopkins, Minnesota.

ORDER 000508

3. On March 22, 2018, the Department was contacted by the Medical Fraud Control Unit (MFCU) of the Minnesota Attorney General's Office in regard to a case they filed against Respondent.

4. The MFCU investigated and found that Respondent obtained payments from the Medicaid program by submitting billing claims for personal care assistant (PCA) services that contained false representation.

5. The claims filed by the Respondent indicated that the recipient of the PCA services was living in Minnesota when services were provided. The recipient lived in Wisconsin.

6. From April 1, 2014, through July 25, 2015, Respondent submitted false claims for a total of \$28,726.61 and was paid \$23,565.50 based on the fraudulent timesheets.

7. On June 23, 2017, Respondent pled guilty in Ramsey County District Court in Saint Paul Minnesota, case number 62-CR-16-7156, to one (1) count of Aid/Abet Theft by False Representation; Liability for Crimes of Another (over \$5000), in violation of Minn. Stat. §609.52(2)(a)(3)(iii).

8. On March 14, 2018, Respondent received a stay of adjudication. She was ordered to serve a five (5) year probation term, follow all probation conditions, pay fines and fees totaling \$100.00, complete the Project Remand Fraud Impact Program, complete 100 hours of community service, have no employment working with Medicaid or Medicare funds, and pay restitution in the amount of \$11,782.75.

9. 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. By the conduct described in the Findings of Fact, Kim F. Hugo, L.P.N., violated Wis. Admin. Code § N 7.03(5)(c), by engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state laws.

3. As a result of the above conduct, Kim F. Hugo, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The license of Kim F. Hugo, L.P.N., (license number 24808-31) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the

Enhanced Nurse Licensure Compact, is SUSPENDED for one (1) month from the date of this Order.

3. The nursing license issued to Kim F. Hugo, L.P.N., (license number 24808-31) and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent must remain in full compliance with the terms of her court ordered probation.
- b. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- c. 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.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all ordered education and her term of probation has been successfully completed.

10. Pursuant to the Enhanced Nurse Licensure Compact, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

11. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$409.00.

12. 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

7. In the event Respondent violates any term of this Order, Respondent's license (24808-31), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:

Luann Stanlepa
A Member of the Board

7-11-19
Date

RECEIVED

JUN 3 2019

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES & COMPLIANCE

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIM F. HUGO, L.P.N.,
RESPONDENT.

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:

STIPULATION

ORDER 0006268

Division of Legal Services and Compliance Case No. 18 NUR 233

Respondent Kim F. Hugo, 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. 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.

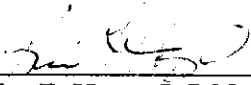
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

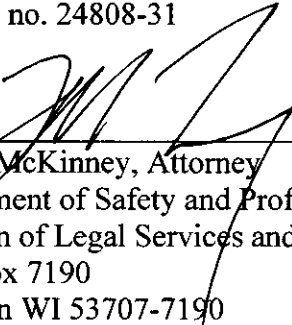
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Kim F. Hugo, L.P.N., Respondent
659 Pine St.
Amery, WI 54001-1556
License no. 24808-31

5/24/19

Date



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

6/4/19

Date