

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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FINAL DECISION AND ORDER

ORDER 0005657

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.
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 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 Christopher M. Kaphaem, R.N., (DOB XX-XX-1975) is licensed in the state of Wisconsin as a registered nurse, having license number 145320-30, first issued on September 11, 2003, and current through February 28, 2020.

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

3. On February 3, 2018, the Hospital became aware of unexplained bruising on two (2) infants being treated in the neonatal intensive care unit (NICU). The Hospital began an investigation into the injuries at that time. The City of Madison Police Department began a subsequent investigation.

4. During the investigation, the Hospital and the City of Madison Police Department discovered that nine (9) infants in the NICU sustained injuries consistent with child abuse between March 2, 2017, and February 6, 2018. All the infants sustained these injuries during the time Respondent was providing care to the infants.

5. On September 27, 2018, Respondent was charged in Dane County Circuit Court case number 18CF1960 with seven (7) counts of Intentional Child Abuse – Bodily Harm, in violation of Wis. Stat. § 948.03(2)(b), a felony; one (1) count of Intentional Child Abuse – Great Bodily Harm, in violation of Wis. Stat. § 948.03(2)(a), a felony; seven (7) counts of Intentionally Abuse Patient – Causing Bodily Harm, in violation of Wis. Stat. §§ 940.295(3)(a)(1) and (b)(2), a felony; two (2) counts of Intentionally Neglect Patient – Causing Bodily Harm, in violation of Wis. Stat. §§ 940.295(3)(a)(1) and (b)(2), a felony; and two (2) counts of Child Neglect Resulting in Bodily Harm, in violation of Wis. Stat. § 948.21(3)(d), a felony.

6. On March 19, 2018, the Board issued an Interim Order suspending Respondent's license to practice registered nursing during the pendency of Dane County Circuit Court case number 18CF1960.

7. On September 30, 2019, Respondent pled guilty in Dane County Circuit Court case number 18CF1960 to all nineteen (19) felony charges identified in paragraph 5.

8. 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, Respondent violated Wis. Admin. Code § N 7.03(2), by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(4)(c), by abusing a patient by a single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain, injury, mental anguish, or fear.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. The license and privilege of Respondent (license no. 145320-30) to practice registered nursing in the state of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact is REVOKED.
3. In the event Respondent petitions the Board of Nursing for reinstatement as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.
4. In the event Respondent petitions the Board for reinstatement of his license to practice nursing in the state of Wisconsin or applies for another credential in the state of Wisconsin, Respondent shall pay the costs of this matter in the amount of \$2,696.00 before any petition is considered.
6. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

2/13/20
Date

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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:
:

STIPULATION

ORDER 0005657

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.

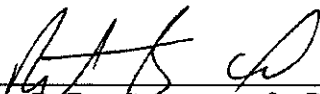
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Interim Order.



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

1/28/2020

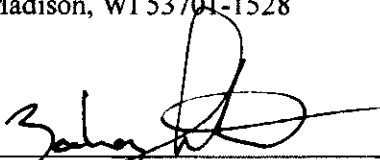
Date



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

1/29/2020

Date



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

1/30/2020

Date