

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

KIMBERLEY L. HARRISON, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007419

Division of Legal Services and Compliance Case No. 20 NUR 164

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

Kimberley L. Harrison, R.N.
Racine, WI 53402

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 Kimberley L. Harrison, R.N., (DOB xx-xx-1969) is licensed in the state of Wisconsin as a registered nurse, having license number 177080-30, first issued on March 24, 2011, and scheduled to expire on February 29, 2020. Respondent filed an application for renewal of this license in February 2020. Pursuant to Wis. Stat. § 227.51(2), the license remains active until the Board acts upon the renewal. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Racine, Wisconsin 53402.

2. Respondent does not possess a multistate license under the Enhanced Nurse Licensure Compact.

3. At all times relevant to this proceeding, Respondent was employed as a registered nurse, at assisted living nursing home, located in Mount Pleasant, Wisconsin (Facility).

4. On January 17, 2019, Respondent was observed to be driving erratically on her way home from work. Caledonia Police Department officers pulled her over and observed that she had “glassy bloodshot eyes, and poor hand motor functions”. Respondent failed a field sobriety test and was placed under arrest for operating while intoxicated.

5. Caledonia Police Department officers searched Respondent and her vehicle and confiscated prescription medications that were not prescribed to Respondent.

6. Respondent stated she uses the medication during training at the Facility. She left the Facility in a hurry due to a family emergency and the medications were accidentally packed up with her personal belongings.

7. On January 14, 2020, in Racine County Case Number 2019CM000220, Respondent was convicted of one count of OWI-2nd, a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a). One count of Possession/Illegally Obtained Prescription, a misdemeanor, in violation of Wis. Stat. § 450.11(7)(h) was dismissed, and one count of Possession/Illegally Obtained Prescription, a misdemeanor, in violation of Wis. Stat. § 450.11(7)(h) was dismissed but read in.

8. On February 29, 2020, Respondent reported to the Department that she had been arrested on January 17, 2019, for OWI-2nd and that she had been sentenced on January 18, 2020.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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 departed from or failed 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 within the meaning of Wis. Admin. Code § N 7.03(6)(c).

3. By the conduct described in the Findings of Fact, Respondent by obtained, possessed, or attempted to obtain or possess a drug without lawful authority within the meaning Wis. Admin. Code § 7.03(8)(e).

4. 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. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall, at her own expense, undergo an AODA assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.

- a. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- b. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
- c. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- d. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- e. Respondent shall comply with the evaluator's recommendations.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$905.00

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov


Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

6. Should Respondent have a Wisconsin multistate license pursuant to the Enhanced Nurse Licensure Compact (Compact), Respondent may not practice in any Compact state, other than Wisconsin, while Respondent's license is encumbered by any term(s) of this Order.

7. In the event Respondent violates any term of this Order, Respondent's license (177080-30), 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:  _____
A Member of the Board of Nursing

10 June 2021 _____
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIMBERLEY L. HARRISON, R.N.,
RESPONDENT.

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STIPULATION
ORDER 0007419

Division of Legal Services and Compliance Case No. 20 NUR 164

Respondent Kimberley L. Harrison, 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 Mario Mendoza.

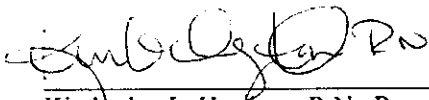
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives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



Kimberley L. Harrison, R.N., Respondent
Racine, WI 53402
License No. 177080-30

05-05-21

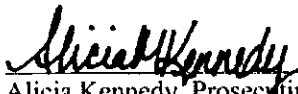
Date



Mario Mendoza, Attorney for Respondent
Murphy Desmond, S.C.
33 E. Main St., Ste 500
Madison, WI 53703

05-10-2021

Date



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

05-11-2021

Date