

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

KALLIE A. KIRK, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER U007541**

Division of Legal Services and Compliance Case No. 19 NUR 740

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

Kallie A. Kirk, R.N.
Stevens Point, WI 54481

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 Kallie A. Kirk, R.N. (Respondent), (Year of Birth: 1986) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 202015-30, first issued on July 3, 2014. This license expired on February 29, 2020 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 28, 2025.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Stevens Point, Wisconsin 54481.

Prior Discipline

3. On August 31, 2014, Respondent administered 84 units of insulin, rather than the 8 units Patient A required.

4. On March 10, 2016, Respondent was reprimanded and ordered to complete eight (8) hours of education and pay costs.

5. On June 17, 2016, Respondent's full license was reinstated.

Current Case

6. On October 25, 2019, Respondent was convicted in Portage County Circuit Court case number 2019CF237 of disorderly conduct, a misdemeanor, in violation of Wis. Stat. § 947.01(1). Respondent was sentenced to twelve (12) months of probation and entered into a deferred entry of judgment agreement for the count of possession of methamphetamine. On July 16, 2020, an order was published for the possession of methamphetamine count to be dismissed with prejudice.

7. Respondent did not report this conviction to the Department until December 9, 2019.

8. On October 19, 2020, Respondent was charged in Portage County Circuit Court case number 2020CF383 with two (2) counts of manufacturing/delivering schedule I and II narcotics, a felony, in violation of Wis. Stat. § 961.41(1)(a); one (1) count of possession with intent/deliver narcotics, a felony, in violation of Wis. Stat. § 961.41(1m)(a); one (1) count of maintaining drug trafficking place, a felony, in violation of Wis. Stat. § 961.42(1); and one (1) count of possession of drug paraphernalia, a misdemeanor, in violation of Wis. Stat. § 961.573(1).

9. On October 19, 2020, Respondent was charged in Portage County Circuit Court case number 2020CF385 with one (1) count of manufacture/deliver heroin (>3-10g), a felony, in violation of Wis. Stat. § 961.41(1)(d)2.

10. On December 29, 2020, Respondent was charged in Portage County Circuit Court case number 2020CF471 with one (1) count of neglecting a child (harm did not occur and child under 6 years or disability), a felony, in violation of Wis. Stat. § 948.21(2).

11. On April 8, 2021, Respondent was charged in Portage County Circuit Court case number 2021CF131 with one (1) count of possession of narcotic drugs, a felony, in violation of Wis. Stat. § 961.41(3g)(am); one (1) count of possession of methamphetamine, a felony, in violation of Wis. Stat. § 961.41(3g)(g); two (2) counts of possession of a controlled substance, a misdemeanor, in violation of Wis. Stat. § 961.41(3g)(b); one (1) count of possession of drug paraphernalia, a misdemeanor, in violation of Wis. Stat. § 961.573(1); and three (3) counts of felony bail jumping, in violation of Wis. Stat. § 946.49(1)(b).

12. On May 24, 2021, Respondent was charged in Portage County Circuit Court case number 2021CF195 with one (1) count of possession of narcotic drugs, a felony, in violation of

Wis. Stat. § 961.41(3g)(am); one (1) count of possession of THC, a misdemeanor, in violation of Wis. Stat. § 961.41(3g)(e); one (1) count of possession of drug paraphernalia, a misdemeanor, in violation of Wis. Stat. § 961.573(1); one (1) count of possession of an electric weapon, a felony, in violation of Wis. Stat. § 941.295(1m); and two (2) counts of felony bail jumping, in violation of Wis. Stat. § 946.49(1)(b).

13. 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 failed to notify the board of a felony or misdemeanor conviction in writing within 48 hours after the entry of judgment of conviction, including the date, place, and nature of the conviction or finding within the meaning of Wis. Admin. Code § N 7.03(1)(h).

3. By the conduct described in the Findings of Fact, Respondent violated or aided and abetted 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 within the meaning of Wis. Admin. Code § N 7.03(2).

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

6. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d) and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

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

3. The SURRENDER of the right to renew the license and privilege of Respondent (license no. 202015-30) to practice nursing in the state of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact (Compact) is hereby accepted.

4. 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.

5. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse 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 \$522.00 before any petition is considered.

6. Any petitions and payments of costs (made payable to Department of Safety and Professional Services), if applicable, 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://dpspsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By:



A Member of the Board

8/12/2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KALLIE A. KIRK, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007541

Division of Legal Services and Compliance Case No. 19 NUR 740

Kallie A. Kirk, R.N. (Respondent) 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.

Kallie A. Kirk, R.N., Respondent
Stevens Point, WI 54481
License No. 202015-30

Date

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

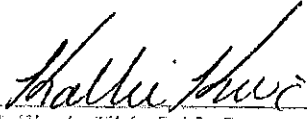
Date

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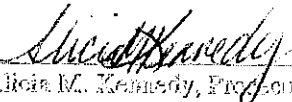
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7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Kellie A. Kirk, R.M., Respondent
Stevens Point, WI 54481
License No. 202015-30

06-29-2021
Date


Alicia M. Kennedy, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7120
Madison, WI 53707-7120

7/8/2021
Date