

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF

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FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION

KEVIN A. BALL, L.P.N.,
LICENSEE.

ORDER 0007680

Division of Legal Services and Compliance Case No. 20 NUR 159

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

Kevin A. Ball, L.P.N.
Milwaukee, WI 53223

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. Kevin A. Ball, L.P.N. (Licensee), (Year of Birth 1985) is licensed in the state of Wisconsin as a licensed practical nurse, having license number 323846-31, first issued on April 4, 2019 and current through April 30, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53208.
2. Upon information and belief, Licensee current address is in Milwaukee, Wisconsin 53223.
3. At all times relevant to this proceeding, Licensee was employed as a licensed practical nurse at nursing home in Milwaukee, Wisconsin.

4. On March 19, 2020, the Department received a complaint regarding Licensee care of a patient.

5. On April 21, 2020, the Department sent an email to Licensee at his email address on file requesting that he provide a written response addressing the allegations in the complaint.

6. On May 5, 2020, Licensee responded stating that he was willing to comply with the request but could not provide a statement with the redacted information he was provided. The information redacted from the document was the patient's name and any other identifying information. The Department declined to provide the patient's name at that time as the investigation was ongoing. Licensee was again instructed to provide a response to the allegations. No other response was provided.

7. On June 5, 2020, the Department again sent an email to Licensee at his email address on file requesting that he provide a written response addressing the allegations in the complaint. No response was provided.

8. On July 13, 2020, the Department opened complaint number 20 NUR 159 to investigation the allegations of the complaint.

9. On July 22, 2020, the Department sent a letter to Licensee at his mailing address on file with the Department and an email to his email address on file requesting that he provide a written response addressing the allegations in the complaint. No response was provided.

10. On August 21, 2020, the Department sent a follow up letter to Licensee at his mailing address on file requesting that he provide a written response addressing the allegations in the complaint. No response was provided.

11. On October 16, 2020, the Department sent a follow up letter to Licensee at his mailing address on file requesting that he provide a written response addressing the allegations in the complaint. No response was provided.

12. On November 11, 2020, the Department sent a letter via Certified Mail to Licensee at his mailing address on file requesting that he provide a written response addressing the allegations in the complaint. No response was provided, and the certified mail was returned to the Division as undeliverable on January 11, 2021.

13. On December 17, 2020, the Department sent a final letter via Certified Mail to Licensee at his at his mailing address on file requesting that he provide a written response addressing the allegations in the complaint.

14. On January 3, 2021, Licensee provided a written response to the substantive allegations. The Board has determined there is insufficient evidence to support those allegations.

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

CONCLUSIONS OF LAW

1. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within fourteen (14) days of the date of this Order, if he has not already done so, Licensee shall update his address of record with the Department.
3. Within three (3) months of the date of this Order, Licensee shall at his own expense, successfully complete the Wisconsin Nurse Practice Act course provided/offered by the National Council of State Boards of Nursing (NSCBN).
 - a. Licensee 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 and may not be used in any future attempt to upgrade a credential.
 - b. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
4. Within 120 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$503.00. Licensee may request a payment plan from the Department Monitor.
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

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

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

WISCONSIN BOARD OF NURSING

By: *Garey P. Jolotauski*
A Member of the Board

11/11/2021
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KEVIN A. BALL, L.P.N.,
RESPONDENT.

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STIPULATION

ORDER U007680

Division of Legal Services and Compliance Case No. 20 NUR 159

Kevin A. Ball, L.P.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.



Kevin A. Ball, L.P.N., Respondent
Milwaukee, WI 53208
License No. 323846-31

10-19-21

Date



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

10/21/2021

Date