

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR :  
RENEWAL OF A REGISTERED NURSE :  
LICENSE : ORDER GRANTING  
: LIMITED LICENSE  
KIMBERLY M. FROMM, R.N., :  
APPLICANT. : **ORDER 0007687**

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

Kimberly M. Fromm  
Elm Grove WI 53122

Wisconsin Board of Nursing  
Department of Safety and Professional Services  
4822 Madison Yards Way  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application. The Wisconsin Board of Nursing (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Kimberly M. Fromm, R.N. (Applicant) was initially granted her Wisconsin Registered Nurse license (#106485-30) on March 21, 1991.
2. Applicant resides in Wisconsin.
3. On or about February 20, 2020, Applicant filed an application to renew her Wisconsin Registered Nurse license (#106485-30).
4. Applicant has the following:
  - A. On or about August 21, 2018 – Operating While Intoxicated (OWI) – 1st, an ordinance violation.
    - i. The police report states Applicant’s husband called police and informed them he was concerned for Applicant’s welfare because Applicant was recently released from the hospital after being treated for alcoholism and had started drinking again. He also stated that he

worried Applicant would drink alcohol with her medication or consume too much medication.

- ii. Police pulled Applicant over and found her speech was thick, heavy sounding, and extremely slow. Applicant denied taking too much medication and denied drinking alcohol. Police continued speaking with Applicant and smelled a moderate odor of intoxicants. Applicant struggled to handle her phone and struggled trying to put her already parked car into park. Applicant failed the Horizontal Gaze Nystagmus (HGN) Field Sobriety Test and was unable to perform the walk and turn and one leg stand tests of the Standardized Field Sobriety Test (SFST) due to a recent hip surgery and her prosthetic leg. Applicant blew a Preliminary Breath Test (PBT) of .17. Applicant's intoximeter resulted in .13.
- iii. Applicant paid a fine, her driver's license was revoked for six (6) months, and she completed an Alcohol and Other Drug Abuse (AODA) assessment.

5. Applicant's Assessment and Driver Safety Plan dated June 6, 2019, noted the following:

- A. Applicant was discharged from treatment on March 14, 2019.
- B. At time of discharge, Applicant's diagnosis was Alcohol Dependency in Remission.
- C. Applicant completed ninety-eight (98) days of residential treatment and created a relapse prevention plan.
- D. Applicant completed an Alcoholics Anonymous (AA) workshop and twelve (12) weeks of life skills. During treatment, Applicant also worked the 12-steps of AA.

6. On or about September 13, 2021, Applicant submitted a current usage of alcohol statement:

- A. Applicant admits relapsing after completing her intensive AODA treatment.
- B. Applicant states her sobriety date is December 2019. She does not have an AA sponsor but has family support. Applicant has a relapse prevention plan, attends meetings, and sees a psychiatrist.

- C. Applicant admits she still has cravings for alcohol. Applicant states she needs to stay structurally busy and finds she does not have cravings for alcohol when she is busy.

7. In resolution of the matter, Applicant 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 the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

2. The Board may deny or limit the renewal of a license if Applicant committed a violation of Wis. Stat. §§ 441.07(1g)(b), (c), and (d).

3. The Board may deny or limit the renewal of a license if Applicant is unable to practice safely by reason of alcohol or other substance use pursuant to Wis. Admin. Code § N 7.03(6)(f).

4. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b),(c), and (d), and Wis. Admin. Code § N 7.03(6)(f), by committing acts which show Applicant to be unfit or incompetent by reason of abuse of alcohol or other drugs; and show Applicant may be unable to practice safely by reason of alcohol or other substance abuse.

5. Pursuant to Wis. Stat. § 440.08(4), the Board may deny the Applicant's application for renewal of her Registered Nurse credential to protect the public health, safety, or welfare.

6. By the conduct described in the Findings of Fact, limitations on Applicant's license are necessary to protect the public health, safety, or welfare, pursuant to Wis. Stat. § 440.08(4).

#### ORDER

1. The attached Stipulation is accepted.

2. Applicant's Registered Nurse license is a Wisconsin single state license and the ability practice under the license is limited to Wisconsin during the pendency of this order. If the Applicant wishes to obtain a multistate privilege in the future, the Applicant may reapply for multistate privilege at any time after demonstrating complete successful compliance with the terms of this Order and the license has been changed to full, unencumbered status.

3. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that she is fit and competent to practice as a Registered Nurse.

4. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and her privilege to practice pursuant to the Enhanced Nurse Licensure Compact (Compact), is LIMITED for a period of at least two (2) years as follows:

- A. For a period of at least two (2) years from the date of this Order Applicant shall comply with the following requirement relating to drug and alcohol monitoring:
  - i. Within thirty (30) days of the date of this Order, Applicant shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
  - ii. At the time Applicant enrolls in the Approved Program, Applicant shall review the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
    - 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
    - 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
    - 3. The Approved Program shall require the testing of specimens at a frequency of not less than twenty-eight (28) times per year, (one of which may be a hair test at the Board's discretion) for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
  - iii. Applicant shall abstain from all personal use of alcohol.
  - iv. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, the

Board or its designee. Copies of these releases shall immediately be filed with the Department of Safety and Professional Services Monitor (Department Monitor).

- v. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (24) hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that he may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 4.A.v.
- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- ix. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

- x. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- xi. Applicant **may** work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances.
- xii. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.
- xiii. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

5. Applicant may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one (1) year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

6. After two (2) years of successful compliance under this Order, including at least six hundred (600) hours of approved nursing practice each year, the Applicant may petition the Board for full, unrestricted licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

7. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, while her license is encumbered by any limitation or restriction imposed by this order.

8. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered 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) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS Monitoring Case management System, here: <https://dpsmonitoring.wi.gov>

9. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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.

10. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN BOARD OF NURSING

By: Rosemary Dolatawski *RDC*  
A Member of the Board

11/09/2021  
Date



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR  
RENEWAL OF A REGISTERED NURSE  
LICENSE

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:  
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:  
:

STIPULATION

KIMBERLY M. FROMM, R.N.,  
APPLICANT.

**ORDER 0007687**

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It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application to renew a Registered Nurse license.
2. Information received by the Board reflects a basis for denial of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a Registered Nurse license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - the right to request a hearing related to the denial of the application;
  - the right to confront and cross-examine the witnesses against Applicant;
  - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
  - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (Compact) and Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.

*Kimberly M. Fromm*

Kimberly M. Fromm, R.N.  
Elm Grove WI 53122  
License no. 106485-30

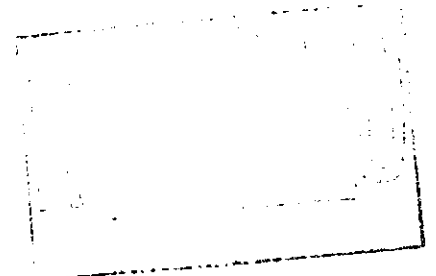
11-2-2021  
Date

\_\_\_\_\_  
A Member of the Board of Nursing  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

\_\_\_\_\_  
Date

New Address:  
3675 Mountain Dr.  
Brookfield, WI 53045

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\_\_\_\_\_  
Kimberly M. Fromm, R.N.  
Elm Grove WI 53122  
License no. 106485-30

\_\_\_\_\_  
Date

*Rosemary Dolatowski* *ALC*  
\_\_\_\_\_  
A Member of the Board of Nursing  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

11/09/2021  
\_\_\_\_\_  
Date