

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 :
: FINAL DECISION AND ORDER
KIM M. JOHNSON, R.N., :
RESPONDENT. : **ORDER0008096**

Division of Legal Services and Compliance Case No. 21 NUR 154

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

Kim M. Johnson, R.N.
Milwaukee, WI 53212

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 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. Kim M. Johnson, R.N. (Respondent), (Year of Birth 1965) is licensed in the state of Wisconsin as a registered nurse, having license number 123481-30, first issued on July 10, 1996 and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53212.
2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a facility located in Milwaukee, Wisconsin (Facility).
3. At approximately 8:35am on May 26, 2020, Respondent was the unit nurse manager at the Facility and was requested to assist a licensed practical nurse (Nurse A) who had

assessed Resident A (female born in 1937) and found that Resident A had labored breathing, was lethargic, cool, clammy, and was unresponsive to touch. Resident A's blood pressure was 210/103 and her pulse oxygenation level (SPO₂) was 68%.

4. Nurse A called Resident A's primary physician (Physician A) to update the current condition. Physician A allegedly only wished to speak to Respondent. Physician A reported that Respondent informed him of Resident A's vital signs but did not tell him that Resident A appeared to be nearly comatose. Physician A ordered an immediate/stat electrocardiogram (EKG), lab work, oxygen, and hourly checks of vital signs for Resident A.

5. At 8:50am, Nurse A documented that Physician A had been called and that new orders had been received for the EKG and labs. Oxygen was applied via nasal cannula.

6. At 8:56am, Respondent documented "Resident unable to follow directions, hand grasp. Unable to track with eyes. Abdomen soft. Skin color normal, clammy. Pulse strong and regular. HOB (head of bed) elevated."

7. At 11:30am, Resident A's SPO₂ was not above 90%.

8. At 1:13pm, Nurse A documented Physician A's ordered oxygen was ineffective.

9. At 1:52pm, Nurse A documented that Resident A's condition had not changed from the prior assessment and that they were still waiting for the EKG and labs.

10. In a statement to DHS Surveyors, Respondent stated she was aware that Physician A did not want to speak to an L.P.N.

11. There is no documentation showing Respondent contacted Physician A after 8:50am, informed him that the oxygen appeared to be ineffective, or that the EKG and labs were delayed.

12. Respondent did not inform the second shift nursing manager or staff of Resident A's change in condition or updated orders.

13. Physician A stated that he was not provided the EKG and lab results until 7:57pm which was more than 3 hours after they were received by the facility. Further, had he been aware of Resident's A condition, he would have ordered her to the hospital.

14. Resident A passed at approximately 3:00am on May 27, 2020.

15. 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 engaged in unsafe practice or substandard care by failing to perform nursing with reasonable skill and safety within the meaning of Wis. Admin. Code § N 7.03(6)(a).

3. By the conduct described in the Findings of Fact, Respondent engaged in unsafe practice or substandard care 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 within the meaning of Wis. Admin. Code § N 7.03(6)(c).

4. By the conduct described in the Findings of Fact, Respondent engaged in unsafe practice or substandard care by failing to observe the conditions, signs and symptoms of a patient, record them, or report significant changes to the appropriate person within the meaning of Wis. Admin. Code § N 7.03(6)(p).

5. 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. Respondent is REPRIMANDED.
3. Respondent's license to practice as a registered nurse (license number 123481-30), and privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete four (4) hours of education on the topic of delegation, two (2) hours of education on the topic of coordination of care, and two (2) hours of education on the topic of proper assessments offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent 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 or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$566.00.

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://dspsmmonitoring.wi.gov>.

6. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

7. In the event Respondent violates any term of this Order, Respondent's license (number 123481-30), 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: Robert Weirman TW-LCHP
A Member of the Board of Nursing

8/11/2022
Date

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIM M. JOHNSON, R.N.,
RESPONDENT.

:
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:
:
:
:

STIPULATION

ORDER 0008096

Division of Legal Services and Compliance Case No. 21 NUR 154

Kim M. Johnson, 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

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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.

Kim Johnson RN
Kim O. Johnson, R.N., Respondent
Milwaukee, WI 53212
License No. 123481-30

6-15-2022
Date

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

6/15/2022
Date