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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
MARY LYNN KUSIK, APNP : LS0409272NUR
RESPONDENT. :

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

Mary Lynn Kusik
4474 N. Morris Blvd.
Shorewood, WI 53211

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 final decision of this matter, subject to the approval of the 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

1. Mary Lynn Kusik (dob: 4/10/49) is and was at all times relevant to the facts set forth herein a registered nurse licensed in the State of Wisconsin pursuant to license #63519. This license was first granted 9/30/75. She is also an Advance Practice Nurse Prescriber, certificate #108, first granted on 5/26/95.

2. On 7/11/97, respondent was disciplined by the Board in file 95 Nur 136, for self-prescribing a codeine product using the name and DEA number of her former husband, a dentist, without knowledge or consent of the dentist, for prescribing to patients in the name of a without his direct supervision, knowledge or consent; these violations occurred before her APNP license was issued. She surrendered her APNP certificate effective 7/31/97, and her RN license was suspended and limited. The suspension was stayed on condition that she complete an approved course in ethics of medication prescribing and administration, practice only under supervision, and submit quarterly reports from her employer. The limitations on her RN license were lifted, and she was restored to full RN licensure following her completion of all requirements under the order, on 7/18/98. Respondent applied again for an APNP certificate, which was granted on 12/21/98.

3. On 11/2/02, respondent's home was searched pursuant to warrant by city police officers. During the search, police found both psilocybin and marijuana, both Schedule I controlled substances, in respondent's bedroom, along with marijuana smoking paraphernalia. Respondent had no lawful authority to possess either of these substances.

4. On 11/6/03, respondent was convicted on her plea of Guilty to one count of misdemeanor possession of psilocybin, in the Circuit Court for Waukesha County. Sentence was withheld, and respondent was placed on probation for one year, ordered to pay a fine and costs of \$643, to obtain AODA assessment, and to serve 30 days in the county jail during non-working hours (stayed). Her driver's license was suspended for six months.

CONCLUSIONS OF LAW

A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to §441.07(1)(b)(c) and(d) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 2 through 4, above, violated § N 7.03(2) and N 7.04(1), (2) and (15) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that effective on December 16, 2004, the SURRENDER of the credentials of Mary Lynn Kusik to practice as an Advanced Practice Nurse Practitioner, and as a professional nurse, in the state of Wisconsin are ACCEPTED. Respondent shall not practice nursing in Wisconsin, including under the provisions of the Nurse Licensure Compact, without being licensed in Wisconsin.

IT IS FURTHER ORDERED: that respondent shall pay costs of \$900.

WISCONSIN BOARD OF NURSING

Jacqueline Johnsrud
Board Chair

12-9-2004
Date