

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONNA M. KUBICKI, R.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER
LS0511105NUR

Division of Enforcement Case # 04 NUR 188

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

Donna M. Kubicki, R.N.
3922 Sixth Avenue #2
Kenosha WI 53140

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Donna M. Kubicki, R.N. (DOB 1/16/1973) is duly licensed as a professional nurse in the state of Wisconsin (license # 139012). This license was first granted on 7/3/2001.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3922 Sixth Avenue, #2, Kenosha WI 53140.
3. Respondent resigned from Woodstock Health and Rehabilitation Center, Kenosha, Wisconsin, in July 2004 and admits that she diverted Duragesic patches from Woodstock Health and Rehabilitation Center. Respondent states that she intended to use the medication in a suicide attempt.
4. Respondent placed herself in in-patient treatment briefly in July 2004; she is under the care of a psychiatrist for

recurrent major depression, and believes that she is not currently able to practice nursing with safety to patients or public.

5. Respondent has tendered the surrender of her license to practice professional nursing.

CONCLUSIONS OF LAW

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

2. The circumstances described in paragraphs 1-4, above, constitute incompetency to practice nursing by reason of mental illness.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Board of Nursing accepts the surrender of Respondent's license to practice professional nursing in the state of Wisconsin.

IT IS FURTHER ORDERED that:

2. Respondent may petition the Board for reinstatement of the license to practice professional nursing when she is able to demonstrate that she is sufficiently recovered from her mental illness to be able to practice professional nursing with safety to patients and the public. The burden of demonstrating capacity to practice professional nursing with safety to patients and public shall be on Respondent, and Respondent shall supply the Board with such evidence, including but not limited to reports from her treating psychiatrist, as the Board deems necessary.

3. If the Board reinstates the license on Respondent's petition, the Board may impose such limitations on the license as the Board deems prudent in the then existing circumstances.

4. If the Board reinstates the license on Respondent's petition, Respondent shall then pay the costs of this matter to the Department of Regulation and Licensing in the amount of \$647.63. No costs are due until and unless Respondent petitions for reinstatement of the license, and the Board grants the petition.

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

Wisconsin Board of Nursing

By: Jacqueline Johnsrud RNMS
A Member of the Board

11/10/05
Date