

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
JENNIFER S. KAWLESKI, L.P.N., : LS0809047NUR
RESPONDENT. :

Division of Enforcement Case #07 NUR 97

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

Jennifer S. Kawleski
889 Lucas Ln
Jefferson, WI 53549

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

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. 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. Jennifer S. Kawleski (D.O.B. 10.26.73) is duly licensed in the state of Wisconsin as a practical nurse (license # 307135). This license was first granted on 4/7/06. She is also licensed as a cosmetologist (license # 73702).
2. While employed as a residential coordinator at a facility serving disabled clients, Respondent had possession of the checkbooks of several residents, and was responsible for buying items which they needed or wanted. During the period March, 2006 through January, 2007, Respondent used the checkbook and funds of resident G.K. to purchase items for her personal use, and items or services for the use of other residents, in the amount of at least \$1,176. Upon investigation of this matter by law enforcement authorities, Respondent repaid this amount and entered a diversion program in lieu of criminal prosecution.
3. Respondent wrote to the Board’s investigator in this matter, and stated that she did, in fact, keep records of the purchases made which were not for G.K., that she did not take or misappropriate any money, and that when purchases were made with G.K.’s checkbook which were for other residents, she obtained repayment in cash from the other residents and placed those proceeds in an envelope for G.K. Further, she kept a ledger of all purchases and repayments. When none of these records could be found during the subsequent investigation, she agreed to pay the amount in question to settle the matter solely because hiring an attorney would have cost more than the disputed amounts. She stated that others had access to the ledger and the envelopes of cash, and had personal motives to injure her, and could have taken these items in an effort to discredit her.

4. Records of the investigation by Respondent's employer, and the police detective, clearly show that Respondent did, in fact, purchase items for her personal use using G.K.'s checkbook, and that Respondent admitted doing so; the records further show that she had no records which demonstrate repayment by herself and that, at best, she kept inconsistent and incomplete records which might demonstrate repayment by G.K.'s co-residents.

5. The Board does not credit Respondent's statement to the Board's investigator, and finds that she is accountable for failing to make complete records and securing the currency. The Board finds that even if Respondent was not practicing as a nurse in her position as a residential coordinator, these actions constitute a violation which is substantially related to the practice of nursing.

CONCLUSION OF LAW

By the conduct described above, Respondent is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code §§ N 7.04(1), (12), and (15).

ORDER

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

1. Respondent, Jennifer S. Kawleski, L.P.N., is REPRIMANDED for her unprofessional conduct in this matter.
2. Respondent shall provide her nursing employers with a copy of this Order before engaging or continuing in any employment in any health care field, including any employment in any facility licensed as a health care facility or community based residential facility serving disabled or elderly residents. This provision is permanent, and shall not constitute a limitation upon the license of Respondent, but violation of this provision shall constitute a violation of a Board order.
3. The license of Respondent to practice as a nurse in the state of Wisconsin is LIMITED as follows: No later than 12/31/08, Respondent shall provide proof that she has taken and successfully completed 12 hours of continuing education in the area of ethics for health care providers, which shall have been pre-approved by the Board or its designee.
4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely comply with the ordered continuing education, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED that respondent shall pay the Costs of investigating and prosecuting this matter, in the amount of \$900, within no later than 3/5/09. If not paid, Respondent's license shall be SUSPENDED without further notice or hearing, until they are paid in full, together with any accrued interest.

WISCONSIN BOARD OF NURSING

By: Marilyn Kaufmann
A Member of the Board

September 4, 2008
Date