

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Disciplinary Proceedings
Against **Carey L. Krajewski, R.N.**, Respondent

**FINAL DECISION AND ORDER
WITH EXPLANATION OF VARIANCE**
DHA Case No. SPS-12-0003

ORDER 0002253

Division of Enforcement Case No. 11 NUR 086

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Carey L. Krajewski
7830 County Rd. II
Hatley, WI 54440

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

Department of Safety and Professional Services, Division of Enforcement, by

Attorney Aaron A. Konkol
Department of Safety and Professional Services
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

These proceedings were initiated when the Department of Safety and Professional Services, Division of Enforcement (the Division), filed a formal Complaint against Respondent Carey L. Krajewski, alleging that Respondent Krajewski's license was subject to disciplinary action pursuant to Wis. Stat. § 441.07(1)(d) and Wis. Admin. Code § N 7.04(2). Respondent failed to file an Answer to the Complaint, as required by Wis. Admin. Code § SPS 2.09, and, after appearing at the initial prehearing conference before the Division of Hearings and Appeals, failed to appear at a subsequent status telephonic conference held on March 9, 2012. Consistent with a March 9, 2012 briefing order, on March 27, 2012 the Division filed a motion for default

and recommendations regarding discipline and costs to be imposed on Respondent. Respondent has failed to file a brief in response to the motion for default as required by the briefing order.

On September 13, 2012, the Board of Nursing (the Board) reviewed the Proposed Decision submitted by the ALJ. Neither party filed objections to the proposed decision. Upon consideration of the ALJ's proposed decision and disciplinary recommendations, the Board has adopted the following as its final decision and order, with a variance to amend certain disciplinary terms and conditions, and to add others.

FINDINGS OF FACT

Facts Related to the Alleged Violation

Findings of Fact 1-4 are taken from the Division's Complaint against Respondent filed in this matter.

1. On February 15, 2011, the Director of Nursing Services (DNS) at Colonial Manor Medical and Rehabilitation Center in Wausau, Wisconsin, where Respondent worked, conducted a validation of delivery of narcotic pain medications and discovered 60 tabs of hydrocodone/acetaminophen were missing from Patient K.W., 60 tabs were missing from Patient D.H., 30 tabs were missing from Patient R.S. and 30 tabs were missing from Patient W.M. The licensed practical nurse who co-signed the medications with Respondent confirmed that all medications were delivered and accounted for when a count was performed the day before.

2. The DNS left Respondent a voice message to call her regarding the delivery, but Respondent did not return her call and called in sick for her shift on February 15, 2011.

3. Respondent did not show up or call in for her shift on February 17, 2011.

4. On February 18, 2011, Respondent contacted her employer and said she could not come in. The Executive Director tried to contact Respondent later that day but Respondent never returned the call. Respondent never returned to work.

Facts Related to Default

5. The Complaint and Notice of Hearing in this matter were served on Respondent on January 10, 2012, by both certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08. The Notice of Hearing stated that Respondent was required to file an Answer to the Complaint within 20 days, failing which "[she would] be found to be in default, and a default judgment may be entered against [her] on the basis of the Complaint and other evidence and the Wisconsin Board of Nursing may take disciplinary action against [her] and impose the costs of the investigation, prosecution and decision of this matter upon [her] without further notice or hearing."

6. Respondent failed to file an Answer as required by Wis. Admin. Code § SPS 2.09(4).

7. Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for February 9, 2012. The January 30, 2012 Notice of Telephone Prehearing Conference stated: "A respondent's failure to appear at a scheduled conference may result in default judgment being entered against the respondent." At the February 9, 2012 prehearing conference, Respondent appeared and indicated she did not dispute the violations in the Division's complaint. It was determined the Division would re-send the settlement offer to Respondent in an attempt to resolve the complaint.

8. Following the February 9, 2012 Telephone Prehearing Conference, the Division forwarded an offer of settlement to the Respondent which was signed via certified mail. The Respondent has repeatedly failed to respond to the Division of Enforcement's numerous requests to resolve the matter.

9. A Telephone Status Conference was scheduled for March 9, 2012. The February 9, 2012 Notice of Telephone Status Conference stated: "A respondent's failure to appear at a scheduled conference may result in default judgment being entered against the respondent." Respondent failed to make herself available for the March 9, 2012 status conference, and counsel for the Division indicated he would file a motion for default or an alternative dispositive motion.

10. On March 9, 2012, the ALJ issued a briefing order under which the parties were ordered to file their motions and briefs as follows: the Division's motion and supporting brief were due no later than April 9, 2012; Respondent's response was due no later than May 9, 2012; and the Division's reply brief, if any, was due no later than May 16, 2012.

11. Based on Respondent's failure to file an Answer to the Complaint and failure to make herself available for the prehearing in this matter, the Division moved for default pursuant to Wis. Admin. Code §§ SPS 2.09 (4) and 2.14 and Wis. Admin. Code § HA 1.07(3)(c).

12. Respondent failed to file a response brief. As a result, the Division did not file a reply brief.

DISCUSSION AND CONCLUSIONS OF LAW

Default

Wisconsin Admin. Code § HA 1.07(3) provides, in relevant part:

(3) FAILURE TO APPEAR.

...

(b) If a respondent fails to appear, the administrative law judge may . . . take the allegations in an appeal as true as may be appropriate . . .

(c) For a telephone or video hearing or prehearing the administrative law judge may find a failure to appear grounds for default if any of the following conditions exist for more than ten minutes after the scheduled time for hearing or

prehearing conference: (1) The failure to provide a telephone number to the division after it had been requested; (2) the failure to answer the telephone or videoconference line; . . . (4) the failure to be ready to proceed with the hearing or prehearing conference as scheduled.

Pursuant to Wis. Admin. Code § HA 1.07(3)(c), Respondent is in default for failing to answer the telephone and failing to be ready to proceed with the prehearing conference as scheduled.

Moreover, Wis. Admin. Code § SPS 2.09(4) states, "An answer to a complaint shall be filed within 20 days from the date of the service of the complaint." "Allegations in a complaint are admitted when not denied in the answer." Wis. Admin. Code § SPS 2.09(3). When a Respondent fails to file an Answer as required, the Respondent "is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence." Wis. Admin. Code § SPS 2.14. Thus, Respondent has also defaulted in this proceeding pursuant to Wis. Admin. Code § SPS 2.14 by failing to file and serve an Answer to the Complaint as required by Wis. Admin. Code § SPS 2.09(4).

Accordingly, pursuant to Wis. Admin. Code § HA 1.07(3)(b) and Wis. Admin. Code §§ SPS 2.09(3) and 2.14, Respondent is in default and has admitted to the allegations of the Complaint.

Violation of Wis. Stat. § 441.07(1)(d)

Because Respondent has admitted to the allegations contained in the Complaint, it is undisputed that on February 15, 2011, the DNS at Colonial Manor Medical and Rehabilitation Center, where Respondent worked, conducted a validation of delivery of narcotic pain medications and discovered 60 tabs of hydrocodone/acetaminophen were missing from Patient K.W., 60 tabs were missing from Patient D.H., 30 tabs were missing from Patient R.S. and 30 tabs were missing from Patient W.M. All medications were delivered and accounted for when a count was performed the day before.

The DNS left Respondent a voice message to call her regarding the delivery, but Respondent did not return her call and called in sick for her shift on February 15, 2011. Respondent did not show up or call in for her shift on February 17, 2011. On February 18, 2011, Respondent contacted her employer and said she could not come in. The Executive Director tried to contact Respondent later that day but Respondent never returned the call. Respondent never returned to work.

Wisconsin Stat. § 441.07(1)(d) provides that the Wisconsin Board of Nursing (Board) may "revoke, limit, suspend or deny renewal of a license of a registered nurse . . . or may reprimand a registered nurse . . . if the board finds that the person committed . . . [m]isconduct or unprofessional conduct." Misconduct or unprofessional conduct is defined by Wis. Admin. Code § N 7.04 as follows:

As used in s. 441.07 (1) (d), Stats., "misconduct or unprofessional conduct" means any practice or behavior which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public. "Misconduct or unprofessional conduct" includes, but is not limited to, the following:

(2) Administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law[.]

Based on the foregoing, Respondent has violated Wis. Stat. § 441.07(1)(d) because she engaged in misconduct or unprofessional conduct by administering, supplying or obtaining drugs other than in the course of her legitimate practice or as otherwise prohibited by law. She is therefore subject to discipline pursuant to Wis. Stat. § 441.07(1).

Appropriate Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division of Enforcement requests that Respondent's license be revoked, or in the alternative, that her license be suspended indefinitely for a minimum of five years, with drug treatment, testing, and work restrictions, as is typically imposed by the Board in cases such as this, and which are outlined in the Order section of this decision.

Under the facts of this case, it is appropriate to impose the Division's alternative recommendation of an indefinite suspension for a minimum of five years with the conditions recommended by the Division.

Respondent did not answer the Complaint and failed to appear for the pre-hearing conference call held on March 9, 2012. Although the Board often allows nurses to work under a stayed suspension in diversion cases while receiving AODA treatment, Respondent is clearly not ready to obtain treatment or comply with any kind of testing regime, as she was offered by stipulation multiple times and failed to respond.

Respondent clearly has drug dependency issues, and, if left untreated, her problem endangers the public she serves. This disciplinary order promotes the rehabilitation of Respondent in that it provides an avenue for her to receive treatment for her problem and to eventually continue practicing in a safe and responsible manner. It protects the public in that it prevents Respondent from practicing in the immediate future and ensures that she only practices under conditions in which patients cannot be harmed. Finally, it deters other licensees from engaging in similar misconduct, as it is a significant period of suspension and is a discipline reportable to the public.

Costs

The Division requests that Respondent be ordered to pay the full costs of its investigation and of these proceedings. In *In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz* (LS 0802183 CHI), the Chiropractic Examining Board stated:

The ALJ's recommendation and the ... Board's decision as to whether the full costs of the proceeding should be assessed against the credential holder..., is based on the consideration of several factors, including:

1. The number of counts charged, contested, and proven;
2. The nature and seriousness of the misconduct;
3. The level of discipline sought by the parties;
4. The respondent's cooperation with the disciplinary process;
5. Prior discipline, if any;
6. The fact that the Department of [Safety and Professional Services] is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct;
7. Any other relevant circumstances.

The respondent, by nature of her being in default has not presented any evidence regarding any of the above factors that would mitigate the imposition of the full costs of this proceeding. To the contrary, her conduct is of a serious nature. The factual allegations were deemed admitted and proven and there is no argument to apportion any counts that were unproven (being none), or that certain factual findings were investigated and litigated that were unnecessary. Given the fact that the Department of [Safety and Professional Services] is a "program revenue" agency, whose operating costs are funded by the revenue received for licensees, fairness here dictates imposing the costs of disciplining the respondent upon the respondent and not fellow members of the chiropractic profession who have not engaged in such conduct.

For many of the same reasons delineated in the *Buenzli-Fritz* decision, Respondent should be assessed the full amount of recoverable costs. The Division points out that Respondent was offered a stipulation, but failed to respond to the Division's offers. Further, the conduct is of a serious nature, she did not participate in these proceedings, there is no argument that certain factual findings were investigated and litigated unnecessarily and, given the program

revenue nature of the Department of Safety and Professional Services, fairness dictates imposing the costs of these disciplinary proceedings on Respondent, and not on fellow members of the nursing profession who have not engaged in such conduct.

If the Board assesses costs against Respondent, the amount of costs will be determined pursuant to Wis. Admin. Code § SPS 2.18.

Explanation of Variance

Under Wis. Stat. § 227.46 (2), as the regulatory authority and final decision maker in this Class 2 proceeding, the Board of Nursing may make modifications to a proposed decision. The Board must explain the reasons for each such variance. As noted by the ALJ above, the three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Findings of Fact and Conclusions of Law as set forth above are adopted as written from the proposed decision of the ALJ. The Board further adopts the proposed Order as written with two exceptions.

First, the Board modifies the provision in Section B.1. of the ALJ's Order that would preclude any stay of Respondent's suspension for at least five years. The Board's Decision instead allows for a stay of suspension upon proof satisfactory to the Board that Respondent has been in compliance with Sections C and D of this Order for the three months immediately preceding her request for a stay. While the Board agrees with the ALJ that it appears Respondent is not ready to obtain treatment or comply with a testing regime at this time, it concludes that allowing Respondent an opportunity to resume her nursing practice under the conditions and limitations of this Order after three continuous months of compliance with this Order will better promote her rehabilitation and her ability to practice safely. Further, the Board deems it preferable to specify the terms and conditions in advance that Respondent must satisfy to obtain an initial stay and the conditions under which she may resume the practice of nursing. Finally, the Board believes that such a variance is consistent with prior orders issued by the Board involving diversion of controlled substances or substance abuse and permits the Respondent an opportunity for rehabilitation which is one of the core principles of discipline in licensing matters.

Second, the Board adds assisted living settings to Section C.22.'s list of employment settings in which Respondent may not work while subject to this Order. An assisted living setting often includes access to controlled substances and therefore is sufficiently similar to the other settings listed to warrant its inclusion on the list.

ORDER

Accordingly, IT IS HEREBY ORDERED:

A. SUSPENSION

A.1. The license of Respondent Carey L. Krajewski, R.N., to practice as a nurse in the State of Wisconsin is SUSPENDED INDEFINITELY, for a minimum of five years.

A.2. The privilege of Respondent to practice as a nurse in the State of Wisconsin under the authority of another state's license pursuant to the Nurse Licensure Compact is also SUSPENDED for an indefinite period.

A.3. During the pendency of this Order and any subsequent related orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

A.4. Respondent shall mail or physically deliver all indicia of Wisconsin nursing licensure to the Department Monitor within 14 days of the effective date of this order.

A.5. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active nursing for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.6. for return of full Wisconsin licensure. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

B. STAY OF SUSPENSION

B.1. The suspension shall be stayed upon Respondent providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has been in compliance with the provisions of Sections C and D of this Order for the most recent three (3) consecutive months.

B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.

B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by: (a) mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or (b) actual notice to Respondent or Respondent's attorney.

B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

C. CONDITIONS AND LIMITATIONS

Treatment Required

C.1. Respondent shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.

C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.

C.3. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.

C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by D.4., below.

C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Enforcement to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

Sobriety

C.8. Respondent shall abstain from all personal use of alcohol.

C.9. Respondent 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. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent 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 Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

C.10. Respondent shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.

C.11. Respondent shall report to Treater and the Department Monitor all medications and drugs, over-the-counter or prescription, taken by Respondent. Reports must be received within 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, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.

Drug and Alcohol Screens

C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department (Approved Program).

C.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of 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: (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays and (b) 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.

C.14. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year, for the first year of this Order. After the first year, Respondent may

petition the Board on an annual basis for a modification of the frequency of tests. The Board may adjust the frequency of testing on its own initiative at any time.

C.15. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent 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.

C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.

C.17. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

C.18. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

C.19. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances.

C.20. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee.

C.21. Respondent shall practice only in a work setting pre-approved by the Board or its designee.

C.22. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.

C.23. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, currently or in the future.

C.24. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.

C.25. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

D. MISCELLANEOUS

Department Monitor

D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

**Department Monitor
Department of Safety and Professional Services
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264**

Required Reporting by Respondent

D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent.

D.3. Every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

D.4. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

D.5. Respondent 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 year from the date of this Order. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. 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 Respondent shall not have a right to any further hearings or proceedings on the denial.

D.6. Respondent may petition the Board for termination of this Order any time after five years from the date of this Order. However, no petition for termination shall be considered without a showing of continuous, successful compliance with the terms of the Order, for at least five years.

Costs of Compliance

D.7. Respondent 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 nonpayment is a violation of this Order.

Additional Discipline

D.8. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

IT IS FURTHER ORDERED that Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

**Department Monitor
Department of Safety and Professional Services
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264**

IT IS FURTHER ORDERED that the above-captioned matter be and hereby is closed as to Respondent Carey L. Krajewski.

Dated at Madison, Wisconsin on Jan 10, 2013.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: Julia Nelson, RN
Julia Nelson, R.N.
Chair of the Board