

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
LICENSURE OF

ERIK M. COSTEA,
APPLICANT.

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:
:

:ORDER GRANTING LIMITED LICENSE

0002866

Division of Legal Services and Compliance¹ Case No. 13 NUR 194

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

Erik M. Costea
2537 River Grove Ave.
Green Bay, WI 54303

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

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin 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. On or about December 18, 2012, Applicant Erik M. Costea (dob December 23, 1981), applied for a license to practice as a professional nurse in the State of Wisconsin. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2537 River Grove Avenue, Green Bay, Wisconsin 54303.

2. Applicant has an OWI – 1st conviction from 2004, OWI (2nd) conviction from 2006, operating while revoked conviction from 2008 and an OWI (3rd) conviction from 2011.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. Applicant was also cited with fraud on a taxi cab in 2012 and entered into a deferred prosecution agreement. In 2013, Applicant successfully completed the terms of his deferred prosecution agreement and the case was dismissed.

4. On January 10, 2013, the Wisconsin Board of Nursing reviewed Applicant's request to take the professional nursing examination and denied his request because the above criminal convictions were substantially related to the practice of nursing.

5. Applicant is otherwise qualified for licensure.

6. Applicant agrees to accept a limited license and consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.06, to grant requests to take the professional nursing examination and to grant licensure.

2. The limitations as set out below are sufficient to address any unacceptable risk of harm Applicant may pose to patients and the public in the practice of nursing.

ORDER GRANTING LIMITED LICENSE

1. The attached Stipulation is accepted.

2. The Wisconsin Board of Nursing hereby grants Applicant the privilege to sit for the NCLEX nursing examination.

3. If Applicant passes the NCLEX nursing examination, the professional nursing license issued to Erik M. Costea to practice professional nursing in the State of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- a. For a period of at least two (2) years from the date Applicant's license is granted:
 - i. Applicant shall enroll and participate at least once a week in an alcoholics anonymous (or the substantial equivalent) program which is acceptable to the Board or the Board's designee. Attendance of Applicant at such meetings shall be verified and reported quarterly to the Department Monitor.
 - ii. Applicant shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.
 - iii. For a period of at least two (2) years from the date Applicant's license is granted and while working at least half-time as a nurse,

Applicant shall arrange for his nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of his employment and evaluating his work performance.

- iv. Respondent shall abstain from all personal use of alcohol.
- v. 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 the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- vi. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- vii. Respondent shall report to the Department Monitor all prescription medications and drugs 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.
- viii. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in paragraph 3(a)vii.

4. If Applicant passes the NCLEX nursing examination, the professional nursing license issued to Erik M. Costea to practice professional nursing in the State of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- a. For a period of at least two (2) years from the date Applicant's license is granted:
 - i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
 - ii. 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:
 - 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - 2. 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.
 - 3. 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.
 - 4. All positive test results are presumed valid and will result in automatic suspension of licensure by the Board or the Board's designee.

5. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of the limitations above. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice

7. After two (2) years from the date of the date Applicant's license is granted, Applicant may petition the Board for the modification or termination of the above limitations. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

7. Any petition to the Board or quarterly reports shall be sent by Applicant (or nursing employer, as appropriate) to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. 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 Applicant'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 Applicant fails to submit quarterly reports, as set forth above, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the order above.

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN
A Member of the Board

12/19/13
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
LICENSURE OF

ERIK M. COSTEA,
APPLICANT.

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STIPULATION

0002866

Division of Legal Services and Compliance¹ Case No. 13 NUR 194

Applicant Erik M. Costea 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 hearing by the Division of Legal Services and Compliance. Applicant consents to the resolution of this matter by Stipulation.

2. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:

- the right to a hearing on the denial of Applicant's credential, at which time the Applicant has the burden of proving by evidence satisfactory to the credentialing authority that the applicant meets the eligibility requirements set by law for the credential;
- the right to confront and cross-examine the witnesses against Applicant;
- the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
- the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Applicant agrees to the adoption of the attached Order Granting Limited License by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, pleading, appearance or

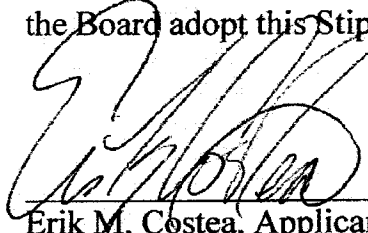
¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 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 Applicant, 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 Order Granting Limited License.

7. Applicant is informed that should the Board adopt this Stipulation, the Board's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

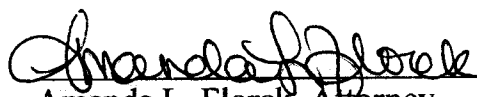
8. The Division of Legal Services and Compliance joins Applicant in recommending the Board adopt this Stipulation and issue the attached Order Granting Limited License.



Erik M. Costea, Applicant
2537 River Grove Ave.
Green Bay, WI 54303

12/16/13

Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

12/19/13

Date