

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SARA J. KOZISEK, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003216

Division of Legal Services and Compliance Case No. 13 NUR 612

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

Sara J. Kozisek, R.N.
370 Amory Street
Fond du Lac, WI 54935

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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. Respondent Sara J. Kozisek, R.N., (dob October 26, 1986) is licensed in the State of Wisconsin as a professional nurse, having license number 175995-30, first issued on February 9, 2011 and current through February 29, 2016. Sara J. Kozisek's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 370 Amory Street, Fond du Lac, Wisconsin 54935.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a medical center (Center), located in Fond du Lac, Wisconsin.

3. On or about October 15, 2013, the Center conducted a routine Pyxis audit. The audit found the following:

- a. Respondent dispensed several controlled substances but failed to document returning, administering or wasting the medication.
- b. Respondent dispensed the highest amount of hydrocodone for a nurse in her unit.

4. On or about October 16, 2013, Respondent, while working, tested positive for alcohol with a blood alcohol concentration of .08.

5. Respondent has, for reasons unrelated to these proceedings, elected to surrender her license to practice professional nursing.

6. In resolution of this matter, Respondent 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. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 961.16(2)(a)7., hydrocodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Respondent Sara J. Kozisek, R.N., (license no. 175995-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$800.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN Date 5/8/14
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SARA J. KOZISEK, R.N.,
RESPONDENT.

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STIPULATION

00032 16

Division of Legal Services and Compliance Case No. 13 NUR 612

Respondent Sara J. Kozisek, R.N., 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 investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

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

- the right to a hearing on the allegations against Respondent, at which time the State has
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent'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 Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent
is represented by Attorney Michael J. Kuborn.


4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of
the attached Final Decision and Order without further notice, pleading, appearance or consent of
the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the
form as attached.

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 Respondent, 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 Final Decision and Order.

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


8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Sara J. Kozisek, R.N., Respondent
370 Amory Street
Fond du Lac, WI 54935
License no. 175995-30

4.4.14
Date


Michael J. Kuborn, Attorney for Respondent
Curtis Law Office
491 South Washburn Street, Ste. 100
P.O. Box 2845
Oshkosh, WI 54903-2845

4/14/14
Date


Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

4/18/14
Date