

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**

**FINAL DECISION AND ORDER
WITH VARIANCE**

**KELLY L. KOWALKOWSKI,
RESPONDENT.**

DHA Case No. SPS-15-0093
DLSC Case Nos. 14 NUR 385 and
14 NUR 564

0004613

BACKGROUND

On January 27, 2016, Administrative Law Judge Jennifer Nashold (ALJ), Division of Hearings and Appeals, issued a Proposed Decision and Order (PDO) in the above referenced matter. The PDO was mailed to all parties. On February 11, 2016, the Division of Legal Services and Compliance (Division) filed an objection, requesting the Board of Nursing (Board) add citations to specific Wisconsin Statutes and appellate case law regarding the imposition of costs. Respondent did not file a response to the Division's objections. On March 10, 2016, the Board met to consider the merits of the PDO and the stated objection. The Board voted to approve the PDO with variance. The PDO is attached hereto and incorporated in its entirety into this Final Decision and Order with Variance.

VARIANCE

Pursuant to Wis. Stat. §§ 440.035(1) and 441.07(1g), the Board is the regulatory authority and final decision maker governing disciplinary matters of those credentialed by the Board. The matter at hand is characterized as a class 2 proceeding pursuant to Wis. Stat. § 227.01(3)(b). The Board may make modifications to a PDO, in a class 2 proceeding, pursuant to Wis. Stat. § 227.46(2), provided the Board's decision includes an explanation of the basis for each variance.

In the present case, the Board adopts the PDO in its entirety except for the following variance:

1. In the section titled, "DISCUSSION AND CONCLUSIONS OF LAW," under the subsection titled "Costs" found on page nine (9) of the PDO, the Board removes all three paragraphs in their entirety and the following is substituted.

Costs

The Board has authority to assess costs for these disciplinary proceedings pursuant to Wis. Stat. § 440.22(2), which reads in part:

In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board or board in the department orders suspension,

limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder.

The Board is not required to go through any particular analysis when determining whether to assess all or part of the costs of this proceeding against the Respondent. Nevertheless, guidance can be found in *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In *Noesen*, the Court opined:

Under Wis. Stat. § 440.22(2), the Board may, in its discretion, "assess all or part of the costs of the proceeding" against the licensee if the Board takes disciplinary action as a result. We give due weight to the Board's exercise of discretion. Wis. Stat. § 227.57(10). In reviewing the exercise of discretion, we look to determine whether the decision maker examined the relevant facts, applied the proper standard of law, and reached a reasonable conclusion. *Doerschling*, 138 Wis. 2d at 328.

Id. ¶ 30. In addition to the above mandatory authority, in previous orders, the Board has considered the following non-mandatory factors to aid in determining if all or part of the costs should be assessed against a Respondent:

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 (DSPS) is a "program revenue" agency; and
7. Any other relevant circumstances.

In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz (LS 0802183 CHI). In considering these factors, the Board has the discretion to give each factor the weight appropriate given present circumstances. In this case, the Board finds that the imposition of one hundred percent (100%) of the costs is warranted.

The Division has proven all counts alleged, which are serious in nature. Respondent has several alcohol related convictions; Respondent has shown continuous disregard for authority by failing to comply with the conditions of her probation; Respondent failed to respond to the Board's inquiry and failed to participate in this disciplinary proceeding; Respondent has failed to abstain from alcohol and drug use; and Respondent has diverted medication from her nursing employer for the purpose of sale on the streets. Therefore, the Division is seeking the most serious discipline allowable – revocation of Respondent's license, her right to license renewal, and her right to practice nursing pursuant to the Nurse Licensure Compact. Furthermore, the factual allegations were deemed admitted and there is no argument that the Division litigated any counts unnecessarily.

Finally, the Department of Safety and Professional Services is a program revenue agency, whose operating costs are funded by the revenue received from credential holders. This is a fact that weighs heavily into the calculation of the appropriate amount of costs to be borne by the Respondent. The Board gives serious consideration as to whether the costs associated with this action should be paid by the Respondent or shared by other non-culpable licensees.

Based on the foregoing, the Board finds the Respondent shall pay one hundred percent (100%) of the costs of this matter.

Dated at Madison, Wisconsin this 18th day of March, 2016.

By: *[Signature]* D.N.O., R.N.P.,
A Member of the Board



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of Disciplinary Proceedings Against
Kelly L. Kowalkowski, R.N., Respondent

DHA Case No. SPS-15-0093
DLSC Case Nos. 14 NUR 385
and 14 NUR 564

PROPOSED DECISION AND ORDER

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

Kelly L. Kowalkowski, R.N.
1057 Donoho Dr.
Old Hickory, TN 37138-2251

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

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

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

PROCEDURAL HISTORY

These proceedings were initiated on November 9, 2015, when the Department of Safety and Professional Services, Division of Legal Services and Compliance (Division), filed and served a formal Complaint against Respondent Kelly L. Kowalkowski, R.N. (Respondent), alleging that Respondent engaged in four counts of unprofessional conduct.¹ Respondent failed to file an Answer to the Complaint.

¹ The four counts are as follows: (1) "[O]btaining any drug other than in the course of legitimate practice or as otherwise prohibited by law," in violation of Wis. Admin. Code § N 7.04(2); (2) "After a request of the board, failing to cooperate in a timely manner, [sic] with the board's investigation of a complaint filed against a license holder," in violation of Wis. Admin. Code § N 7.03(1)(c); (3) "Violating or aiding and abetting a violation of any law substantially related to the practice of nursing," in violation of Wis. Admin. Code § N 7.03(2); (4) "Obtaining, possessing or attempting to obtain or possess a drug without lawful authority," in violation of Wis. Admin. Code § N 7.03(8)(e). All references to Wis. Admin. Code § N 7.04 refer to the Code as it existed before August 1, 2014.

On December 1, 2015, the undersigned Administrative Law Judge (ALJ) issued a Notice of Telephone Prehearing Conference which set a telephone hearing conference for December 11, 2015. The Notice required Respondent to provide a telephone number at which she could be reached for the prehearing conference prior to December 8, 2015. The Notice sent to Respondent was returned with a forwarding address for Respondent.

On December 9, 2015, the ALJ issued a Notice of Rescheduled Telephone Prehearing Conference which set a telephone hearing conference for December 21, 2015. The Notice required Respondent to provide a telephone number at which she could be reached for the prehearing conference prior to December 16, 2015. Respondent failed to provide a telephone number where she could be reached. Respondent also failed to appear at the telephone prehearing conference, whereupon the Division moved for default judgment based on Respondent's failure to appear and failure to file an Answer to the Complaint.

On December 21, 2015, the ALJ issued a Notice of Default and Order against Respondent and ordered that the Division file a recommended proposed decision and order no later than January 20, 2016.

On January 19, 2016, the Division timely filed its proposed decision and order.

FINDINGS OF FACT

Facts Related to the Alleged Violations

Findings of Fact 1-29 are taken from the Division's Complaint against Respondent filed in this matter.

1. Respondent Kelly L. Kowalkowski, R.N., is licensed in the State of Wisconsin as a professional nurse, having license number 139238-30, first issued on October 15, 2001 and current through February 29, 2016.

14 NUR 385

2. On January 14, 2011, Respondent was convicted of operating a motor vehicle while intoxicated (fourth within five years), a felony, in violation of Wis. Stat. § 346.63(1)(a), in Walworth County Circuit Court case number 2010CF256.

3. The Court sentenced Respondent to one year in jail with work release privileges to include release for AODA and alcohol recovery group. The Court also ordered Respondent to complete the following: 70 hours of community service; abstain from alcohol; abstain from illegal drugs or drug paraphernalia; not be in a bar or liquor store; counseling as recommended by her probation agent; and AODA assessment and follow through.

4. On January 14, 2011, Respondent was also convicted of bail jumping, a felony, in violation of Wis. Stat. § 946.49(1)(b), in Walworth County Circuit Court case number 2010CF279.

5. Respondent was sentenced to three years of probation through the Department of Corrections.

6. On July 12, 2014, Respondent was on probation for the above convictions.

7. On July 12, 2014, police were dispatched to Respondent's residence due to loud yelling.

8. Police found Respondent yelling in the back yard and discovered that she was extremely intoxicated. Police determined that Respondent was intoxicated because she had poor balance, swore at the police officers, had slurred speech, and they could smell the odor of intoxicants on Respondent.

9. Respondent failed to cooperate during the interaction with police.

10. Police found, in Respondent's possession, a bag containing marijuana and a glass smoking pipe.

11. Police transported Respondent to jail and contacted her probation agent.

12. On July 15, 2014, Respondent admitted to her probation agent that she recently smoked marijuana and would likely test positive for the drug. Respondent also admitted to her probation officer that she purchased and consumed alcohol in violation of her court order.

13. On July 24, 2014, an investigator with the Department sent a letter to Respondent requesting a written response to the above allegations no later than August 7, 2014.

14. Respondent called the investigator on August 28, 2014 requesting an extension to submit her response. An extension was granted until September 11, 2014.

15. By September 11, 2014, Respondent had not submitted a written response or re-contacted the Department.

16. On September 26, 2014, an investigator with the Department sent a letter to Respondent requesting a written response to the allegations. The deadline for the response was October 8, 2014. Respondent failed to contact the Department.

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17. At all times related to this case, Respondent was employed as a professional nurse at a nursing home and rehabilitation center (the Center), located in Delavan, Wisconsin.

18. On September 26, 2014, at approximately 6:30 a.m., the Delavan Police Department executed a search warrant of Respondent's residence.

19. The police warrant was directed at Respondent's roommate for drugs, specifically, marijuana.

20. Respondent was present in the residence at the time and admitted to police that she had marijuana and a pipe in her bedroom. Respondent also admitted to police that she smoked marijuana.

21. Police searched Respondent's bedroom and found 27 oxycodone 5/325 mg tablets with the Center's name and a patient's name on the bottle.

22. Twenty-one of the oxycodone pills were found in the bottle and six were found in a baggie and appeared to be ready for sale.

23. Respondent admitted to police that the oxycodone tablets were from a deceased resident at the Center.

24. Respondent admitted to taking the medication from the Center to give to her daughter's boyfriend.

25. Respondent was aware that her daughter's boyfriend intended to sell the oxycodone for \$10.00 per tablet.

26. Police also found hydrocodone 10 mg tablets.

27. Respondent was arrested for maintaining a drug house, in violation of Wis. Stat. § 961.41(1) and (2); possession of THC, in violation of Wis. Stat. § 961.41(3g)(e); possession of drug paraphernalia, in violation of Wis. Stat. § 961.573(1); and possession of a controlled substance, in violation of Wis. Stat. § 961.41(3g)(b).

28. On May 6, 2015, the Walworth County District Attorney filed a criminal complaint against Respondent. Respondent was charged with possession with the intent to deliver a controlled substance, a felony, in violation of Wis. Stat. § 961.41(1m)(a); possession of marijuana, a misdemeanor, in violation of Wis. Stat. § 961.41(3g)(e) and possession of drug paraphernalia, a misdemeanor, in violation of Wis. Stat. § 961.573(1) (Walworth County Circuit Court case number 2015CF168).

29. Respondent's continuous failure to maintain sobriety and break the law creates substantial concern that she is unsafe to practice nursing at this time.

Facts Related to Default

30. The Complaint and Notice of Hearing in this matter were served on Respondent on November 9, 2015, by both certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08. The Notice of Hearing instructed Respondent: "If you do not provide a proper Answer within twenty (20) days, you will be found in default and a default judgment may be entered against you on the basis of the Complaint and other evidence. In addition, the Board

may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing.”

31. On or about November 16, 2015, the certified copy of the Complaint and Notice of Hearing was returned to the Department with a forwarding address.

32. On November 17, 2015, the Department sent a copy of the Complaint and Notice of Hearing, regular and certified mail, to the address provided on the returned certified mail.

33. On or about November 21, 2015, a party signed for receipt of the certified copy of the Complaint and Notice of Hearing.

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

35. Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for December 11, 2015. Notice of this prehearing conference was sent to both parties, with instructions that Respondent provide the ALJ with a telephone number at which she could be reached for the conference no later than December 8, 2015. The Notice which was sent to Respondent was returned to the ALJ with a forwarding address for Respondent.

36. On December 9, 2015, the ALJ issued a Notice of Rescheduled Telephone Conference to both parties which set a telephone prehearing conference for December 21, 2015, with instructions that Respondent provide the ALJ with a telephone number at which she could be reached for the conference no later than December 16, 2015. The Notice instructed Respondent: “The Respondent’s failure to appear at the scheduled conference or hearing may result in default judgment being entered against the Respondent.”

37. Respondent failed to provide a telephone number, as required by Wis. Admin. Code § HA 1.07(3)(c), and could not be reached for the prehearing conference.

38. On December 21, 2015, the prehearing conference was held. Respondent did not appear. The Division moved for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c). The ALJ granted the motion for default.

39. On December 21, 2015, the ALJ issued a Notice of Default and Order which required the Division to file and serve no later than January 20, 2015, a recommended proposed decision and order.

40. The Division timely filed its recommended proposed decision and order on January 19, 2016.

41. Respondent did not file a response to the Notice of Default or to the Division’s recommended proposed decision and order.

DISCUSSION AND CONCLUSIONS OF LAW

Default

As stated in the December 21, 2015 Notice of Default and Order, Respondent is in default for failing to file an Answer to the Complaint and failing to appear at the prehearing conference held on December 21, 2015. As a result, an order may be entered against her on the basis of the Complaint and other evidence. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3)(b) and (c).

Violations of Wisconsin Statute and Administrative Code

Following an investigation and disciplinary proceedings, if the Board determines that a practical nurse has violated Chapter 447, subchapter I, of the Wisconsin Statutes or any rule adopted by the Board under the authority of that subchapter, or that the nurse has committed unprofessional conduct, it may revoke, limit, or suspend the nurse's license or may reprimand the nurse. Wis. Stat. § 441.07(1g)(b) and (d),² respectively. As shown below, Respondent engaged in unprofessional conduct under Wis. Stat. § 441.07(1g)(d) and Wis. Admin. Code § N 7.04(2), and violated various other administrative rules pertaining to her profession.

On July 12, 2014, police found in Respondent's possession a bag containing marijuana (tetrahydrocannabinol, hereinafter, referred to as THC) and a glass smoking pipe. On July 15, 2014, Respondent admitted to her probation agent that she recently smoked THC and would likely test positive for the drug. THC is an illegal substance in the State of Wisconsin and cannot be lawfully obtained, possessed or ingested. Respondent's admissions to police show she disregarded this law. Therefore, Respondent engaged in unprofessional conduct under Wis. Admin. Code § N 7.04(2), which then defined unprofessional conduct to include "obtaining any drug other than in the course of legitimate practice or otherwise prohibited by law."

On August 7, 2014, a Department investigator sent a letter to Respondent on behalf of the Board requesting a written response to the allegations that she illegally possessed marijuana and was in violation of the rules of the nursing profession. On August 28, 2014, Respondent contacted the Department investigator requesting an extension. Respondent was given an extension until September 11, 2014 to submit a written response to the allegations. Respondent failed to submit a written response to the Department. On September 26, 2014, the Department investigator sent a letter to Respondent requesting a written response to the allegations. Respondent failed to contact the Department or submit any response.

Wisconsin Admin. Code § N 7.03(1)(c) requires licensees to cooperate in a timely manner with Board investigations. There is a rebuttable presumption that a credential holder

² The Division's Complaint erroneously cites the 2011-2012 version of Wis. Stat. § 441.07, when, in fact, the current version applies because the conduct alleged occurred after amendments to Wis. Stat. § 441.07, effective December 21, 2013 and April 9, 2014. *See* 2013 Wis. Act 114 and 2013 Wis. Act 200, respectively. Also, the Division's recommended proposed decision and order erroneously cites "441.07(1c)," rather than the correct citation, Wis. Stat. § 441.07(1g). Although the Division's citations are incorrect, the relevant statutory language is correct and has remained the same despite amendments.

who takes longer than 30 days to respond to a request of the Board has failed to cooperate in a timely manner. Respondent's failure to provide a response to the Department investigator, despite two attempts, is a violation of the rules of the nursing profession. Therefore, Respondent violated Wis. Admin. Code § N 7.03(1)(c), which prohibits "[a]fter a request from the board, failing to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder."

On September 26, 2014, Respondent was at home when the police executed a search warrant of her residence. The search warrant was targeted at Respondent's roommate. However, during the search, Respondent admitted to police that she had marijuana and a pipe in her bedroom. Respondent also admitted to police that she smoked marijuana. The police searched Respondent's bedroom, and in addition to the marijuana and pipe, found 27 oxycodone 5/325 mg tablets. Some of the tablets were found in a pill bottle that had a patient's name and the Center's name on it. Respondent was employed as a nurse at the Center. The remaining tablets were found in a baggie and appeared to be ready for sale.

Respondent admitted to police that she obtained the tablets from work at the Center and that her daughter's boyfriend planned to sell the oxycodone for \$10.00 a tablet. Respondent used her employment as a nurse at the Center to obtain controlled substances. She intended to have her daughter's boyfriend sell these controlled substances on her behalf. Respondent was charged with possession with the intent to deliver a controlled substance, in violation of Wis. Stat. § 961.41(1m)(a). Pursuant to Wis. Stat. § 961.41(1m)(a), it is unlawful to possess a Schedule I or II narcotic drug, except under certain circumstances inapplicable here. Oxycodone is a Schedule II substance under Wis. Stat. § 961.16(2)(a)11. Thus, by her own admission, Respondent violated Wis. Stat. § 961.41(1m)(a). In addition, this violation is substantially related to Respondent's practice as a nurse. Respondent obtained access to the controlled substances she stole through her nursing license and job. There is a direct nexus between Respondent's nursing employment and her violation of the law. Therefore, Respondent violated Wis. Admin. Code § N 7.03(2), which prohibits "violating or aiding and abetting a violation of any law substantially related to the practice of nursing."

Respondent's possession of marijuana, which cannot be lawfully possessed in Wisconsin, and possession of oxycodone from her place of employment, also constitutes a violation of Wis. Admin. Code § N 7.03(8)(e), which prohibits "obtaining, possessing or attempting to obtain or possess a drug without lawful authority."

Discipline

As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d). In addition, Wis. Stat. § 441.50(3)(b) gives the Board the authority to revoke the privilege to practice nursing pursuant to the Nurse Licensure Compact.

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 requests that Respondent's professional nursing license, her right to license renewal³ and her privilege to practice nursing in Wisconsin pursuant to the Nurse Licensure Compact be revoked. This discipline is appropriate given the facts at hand and the criteria set forth in *Aldrich*.

Respondent has continuously shown a disregard for the law generally, and for the laws governing her profession specifically. Respondent has failed to cooperate with law enforcement and with the Department investigation by refusing to respond to the allegations. This continued disregard for authority and for the Board shows that Respondent is not able to be rehabilitated at this time. The Board has no reason to believe that Respondent would cooperate with Department drug and alcohol monitoring staff or abide by the terms of any license limitations. There is no reason for the Board to believe that Respondent can be rehabilitated.

Respondent's continuous drug and alcohol use shows a continued disregard for authority, poor judgment and possible drug and alcohol abuse issues. Respondent was on criminal probation and under court order to abstain from drugs and alcohol. However, during Respondent's July 12, 2014 interaction with police, Respondent was intoxicated, uncooperative, and in possession of marijuana. Respondent's drug problem has progressed to stealing controlled substances from her nursing employer in September 2014 to sell on the streets. Placing controlled substances on the streets for sale shows a blatant disregard for the health, safety and welfare of the public. As a nurse, Respondent is tasked to ensure health and safety. Her actions directly contradict the goals of nursing. Additionally, due to her lack of cooperation, the Board is unable to determine the severity of her current substance abuse issues. Therefore, the public cannot be adequately protected without revocation of Respondent's license.

Revocation is also necessary to deter other licensees from similar conduct. Licensees need to be placed on notice that continued violations of the law and ignoring requests of the Board will not be tolerated and will result in revocation of licensure.

Finally, revocation under these circumstances is consistent with prior Board Orders. *See e.g., In the Matter of the Disciplinary Proceedings Against Cynthia M. Trotter, R.N., LS0910021NUR* (Dec. 3, 2009) (Board revoked nurse's license where nurse arrested in Texas with medications, including morphine, found in her possession and without a prescription or permission to take them from her workplace, nurse convicted of disorderly conduct and possession of drug paraphernalia, and Texas Board revoked her license); *In the Matter of Disciplinary Proceedings Against Kathleen M. Turner, L.P.N., 0003277* (June 12, 2014) (Board revoked nurse's right to renew her expired and suspended license where nurse convicted of theft of movable property for using her boyfriend's prescription pad to fraudulently obtain Vicodin).

Based on the foregoing, revocation is appropriate.

³ Respondent's license expires on February 29, 2016.

Costs

The Board has authority to assess costs pursuant to Wis. Stat. § 440.22(2). With respect to imposition of costs, factors to consider include: (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 prosecutor; (4) the cooperation of the respondent; (5) any prior discipline; and (6) the fact that the Department is a program revenue agency, funded by other licensees. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz*, LS 0802183 CHI (Aug. 14, 2008).

In this case, the Division has proven all counts alleged. Respondent's misconduct is serious in nature and the Division is seeking the most serious discipline allowable -- revocation of Respondent's license, her right to license renewal and her right to practice nursing pursuant to the Nurse Licensure Compact. In addition, Respondent has failed to cooperate in any way with the disciplinary process. The factual allegations were deemed admitted and there is no argument that the Division litigated any counts unnecessarily.

Finally, it would be unfair to impose the costs of pursuing discipline in this matter on those licensees who have not engaged in misconduct. Therefore, it is appropriate for Respondent to pay the full costs of the investigation and of these proceedings.

ORDER

Accordingly, IT IS ORDERED that Respondent Kelly L. Kowalkowski's license to practice nursing (license number 139238-30), her right to renew her license and her privilege to practice nursing in the State of Wisconsin pursuant to the Nurse Licensure Compact are REVOKED as follows:

- a. Respondent is on notice that she may not engage in the practice of nursing in the State of Wisconsin.
- b. This revocation constitutes Respondent's permanent relinquishment of her license to practice nursing in the State of Wisconsin.
- c. Respondent shall immediately return all indicia of Wisconsin licensure 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

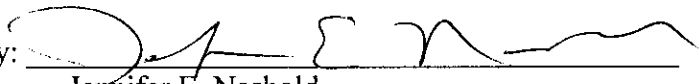
IT IS FURTHER ORDERED that Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the

Wisconsin Department of Safety and Professional Services and sent to the address set forth in the preceding paragraph.

IT IS FURTHER ORDERED that the terms of this Order are effective the date of the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin on January 27, 2016

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: 
Jennifer E. Nashold
Administrative Law Judge