

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KARI E. KRYSHAK,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004866

Division of Legal Services and Compliance Case No. 15 RSA 032

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

Kari E. Kryshak
5204 70th St.
Kenosha, WI 53142-3663

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kari E. Kryshak (dob September 1, 1982) is certified in the state of Wisconsin as a substance abuse counselor-in-training, having certification number 16576-130, first granted on April 3, 2012, and current through February 28, 2017. Respondent's most recent address on file with the Department is 5204 70th Street, Kenosha, Wisconsin 53142-3663.

2. At all times relevant to this proceeding, Respondent was employed as a substance abuse counselor-in-training at a hospital (Hospital), located in Kenosha, Wisconsin.

3. On June 11, 2014, Hospital management learned that Respondent had shared confidential patient information with others not on Patient A's treatment team.

4. Patient A did not authorize Respondent to release confidential information.

5. On January 30, 2015, Respondent's continuing education account with the NAADAC, the Association for Addiction Professionals, was flagged for unethical behavior based on the following:

- a. Respondent completed contact information to begin a webinar, proceeded to each quiz question and once she passed the quiz, Respondent uploaded another webinar. Respondent repeated this behavior for ten (10) webinars.
- b. The webinars and quizzes should have taken approximately fifteen (15) hours to complete. Respondent completed the webinars and quizzes in approximately three (3) hours.
- c. Respondent did not watch each webinar in its entirety, which was a requirement to receive continuing education credit.

6. When contacted by the NAADAC director of training and professional development, Respondent admitted to not watching the webinars in their entirety.

7. Respondent agreed to and completed viewing of all ten (10) webinars in their entirety and wrote a paper on the NAADAC code of ethics and continuing education.

8. In July 2015, Respondent dismissed her treatment classes early on nine (9) occasions and documented in each patient's record that the entire three (3) hour session was completed.

9. As a result, patients were billed for full three (3) hour sessions.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Kari E. Kryshak engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(i), by engaging in false, fraudulent, misleading or deceptive behavior associated with the practice as a substance abuse professional, including advertising, billing practices, or reporting or falsifying or inappropriately altering patient records.

3. By the conduct described in the Findings of Fact, Kari E. Kryshak engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(k), by revealing to other personnel not engaged in the care of a patient or to members of the public information which concerns a patient's condition unless release of the information is authorized by the patient or required or authorized by law.

4. As a result of the violations noted in the Conclusions of Law, Respondent Kari E. Kryshak is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kari E. Kryshak is REPRIMANDED.

3. The certificate to practice as a substance abuse counselor-in-training issued to Kari E. Kryshak (certificate number 16576-130) is limited as follows:

- a. Within thirty (30) days from the date of this Order, Respondent shall, at her own expense, attend one 2-hour session with an ethics expert.
- b. The ethics expert shall be pre-approved by the Department. Before attending the session, Respondent shall submit to the Department Monitor a copy of the ethics expert's curriculum vitae.
- c. Respondent shall provide a copy of this Order to the ethics expert prior to the beginning of the session.
- d. Respondent shall discuss with the ethics expert the issues raised in this Order.
- e. Respondent shall comply with any recommendations of the ethics expert.
- f. Within ten (10) days of the completion of the session, Respondent shall arrange for the ethics expert to submit a report on the results of the session to the Department Monitor at the address below.

4. Respondent's certificate may be further limited to address any concerns the Department has as a result of the ethical expert's report and to address any recommendations resulting from the session, including, but not limited to:

- a. additional professional education in any identified areas of deficiency.

5. Within ninety (90) days from the date of this Order, Kari E. Kryshak shall pay COSTS of this matter in the amount of \$353.00.


6. Any request, reports or documents and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

7. 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 certificate. The Department 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 complete a two-hour session with an ethics expert, fails to comply with the ethics expert's recommendations, fails to timely submit the ethics expert's report, or fails to timely submit payment of costs as ordered, Respondent's certificate (no. 16576-130) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has completed a two-hour session with an ethics expert, complied with the ethics expert's recommendations, has submitted the ethics expert's report and complied with payment of costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Counsel
On Behalf of the Department

8/5/16
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

:
:
:
:
:
:

STIPULATION

KARI E. KRYSHAK,
RESPONDENT.

0004866

Division of Legal Services and Compliance Case No. 15 RSA 032

Respondent Kari E. Kryshak 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.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

5. If the terms of this Stipulation are not acceptable to the Section, 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 Section, the parties agree not to contend that the Section 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 Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section'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 Section adopt this Stipulation and issue the attached Final Decision and Order.



Kari E. Kryshak, Respondent
5204 70th St.
Kenosha, WI 53142-3663
License no. 1072-226

2-7-16

Date



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

2/8/16

Date