

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

JENNIFER M. KOSMICKI, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005469

Division of Legal Services and Compliance Case No. 16 NUR 705

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

Jennifer M. Kosmicki, R.N.
7874 W. 158th Street
Overland Park, KS 66223

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 Jennifer M. Kosmicki, R.N., (dob November 22, 1975) is licensed in the State of Wisconsin as a professional nurse, having license number 130550-30, first issued on August 21, 1998 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 12411 Mastin Street, Overland Park, Kansas 66213.

2. Upon information and belief, Respondent's current address is 7874 West 158th Court, Overland Park, Kansas 66223.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse in the State of Kansas under her Kansas nursing license.

4. In 2013, Respondent diverted controlled substances from a medical center in Kansas where she was employed.

5. On April 1, 2013, Respondent entered into the Kansas Nurse Assistance Program – Impaired Provider Program (KNAP), and failed to complete the program due to a relapse on January 22, 2015, when she attempted to commit suicide by overdosing on Seroquel®.

6. On April 6, 2016, Respondent underwent a psychiatric evaluation which diagnosed Respondent as having a bipolar and borderline personality disorder.

7. On November 17, 2016, Respondent and the Kansas State Board of Nursing (Kansas Board) entered into a Consent Agreement and Final Order (Kansas Order) for diverting controlled substances from the medical center, history of psychiatric issues, drug and/or alcohol abuse, and failing to complete the KNAP.

8. The Kansas Order required Respondent to comply with the following conditions and limitations:

- a. Notify all employers of the Consent Agreement and Final Order;
- b. Shall not violate the KNAP during the duration of the agreement;
- c. Shall not practice unsupervised;
- d. Shall not work in home health, hospice, agency, or as a private duty nurse;
- e. Submit quarterly reports from psychiatric and mental health counselor;
- f. Shall complete the KNAP; and
- g. Submit quarterly performance reports from employer.

9. On January 18, 2017, Respondent entered into the KNAP which required Respondent to comply with the following:

- a. Submit to random urine drug screens at least one (1) per month;
- b. Check-in Monday through Friday for testing notification;
- c. Attend monthly monitoring meeting sponsored by the KNAP;
- d. Attend and submit a signed record of attendance of two (2) 12-step meetings per week;
- e. Upon employment, inform all employers of participation in the KNAP;
- f. For a period of at least six (6) months, inform employers that she cannot have access to or carry keys for narcotic lock boxes and cannot administer or call-in prescriptions for controlled substances;

- g. For a period of one (1) year, cannot work in home health, agency, hospice, or as a traveling nurse; and
- h. Submit copies of all prescribed medication.

10. Since January 2017, Respondent has submitted to three (3) drug screens. All were negative for narcotics. Respondent has complied with all requirements of the KNAP and the Kansas Order.

11. Respondent is currently employed at a dialysis center in Kansas City, Kansas and has not practiced nursing in Wisconsin since 2007.

12. 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. By the conduct described in the Findings of Fact, Jennifer M. Kosmicki, R.N., violated Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state.

3. As a result of the above conduct, Jennifer M. Kosmicki, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jennifer M. Kosmicki, R.N., is REPRIMANDED.

3. The professional nursing license issued to Jennifer M. Kosmicki, R.N., (license number 130550-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent shall fully comply with all conditions and limitations of the Kansas Order and those placed on her Kansas license.
- b. Respondent shall fully comply with all terms and conditions of the KNAP.
- c. Respondent shall submit quarterly reports to the Department regarding her compliance with the Kansas Order and the KNAP.
- d. Respondent shall notify the Department of any changes to her Kansas Order within ten (10) days of the change.

- e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully complied with all conditions and limitations of the Kansas Order, the KNAP and that her Kansas license is no longer conditional or limited in any way.

4. Within ninety (90) days from the date of this Order, Jennifer M. Kosmicki, R.N., shall pay COSTS of this matter in the amount of \$310.00.

5. Quarterly reports, any 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

6. In the event Respondent violates any term of this Order, Respondent's license (130550-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:

Heidi Krause
A Member of the Board

10-12-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER M. KOSMICKI, R.N.,
RESPONDENT.

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:
:

STIPULATION

0005469

Division of Legal Services and Compliance Case No. 16 NUR 705

Respondent Jennifer M. Kosmicki, 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.

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.

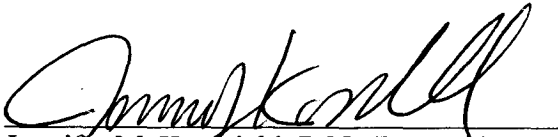
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Jennifer M. Kosmicki, R.N., Respondent
7874 W. 158th Court
Overland Park, KS 66223
License no. 130550-30

9-6-17
Date


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

9/15/17
Date