

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

CHRISTINE M. KOSNICK, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005650

Division of Legal Services and Compliance Case Nos. 16 NUR 443 and 16 NUR 463

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

Christine M. Kosnick, R.N.
N66W13303 Crestwood Drive
Menomonee Falls, WI 53051

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 Christine M. Kosnick, R.N., (dob October 3, 1977) is licensed in the State of Wisconsin as a professional nurse, having license number 138221-30, first issued on July 18, 2001, and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N66W13303 Crestwood Drive, Menomonee Falls, Wisconsin 53051.

Case No. 16 NUR 463

2. At all times relevant to this case, Respondent was employed as a professional nurse at a hospital (Hospital #1) located in Tampa, Florida.

3. On July 8, 2016, Respondent entered into a Settlement Agreement (Florida Order) with the Florida Board of Nursing (Florida Board) following allegations of engaging and/or attempting to engage in the possession of a controlled substance for other than legitimate purposes.

4. The Florida Board suspended Respondent's nursing license until Respondent complied with all terms and conditions of the Florida Order. The terms included payment of investigative costs and entering into the Intervention Project for Nurses (IPN), which was a drug monitoring program. The discipline was based on the following conduct:

- a. Between February 6, 2015, and April 3, 2015, Respondent removed Versed® (fentanyl) from Hospital #1 inventory on one or more occasions for other than legitimate purposes.
- b. On or about April 16, 2015, Respondent tested positive for benzodiazepines, fentanyl, and opiates. Respondent failed to provide a lawful prescription and legitimate medical reason for using benzodiazepines, fentanyl, and/or opiates.

Case No. 16 NUR 443

5. At all times relevant to this case, Respondent was employed as a professional nurse at a hospital (Hospital #2) located in Waukesha, Wisconsin.

6. On July 12, 2016, two (2) anesthesia technicians at Hospital #2 reported to administrators that they observed Respondent sitting at an anesthesia machine inhaling in nitrous and oxygen in one of the operating rooms.

7. A professional nurse (RN-1) went to the room Respondent was in and noted that the blinds on the door were drawn shut and the lights were off. Respondent was sitting at the anesthesia machine with a breathing mask in her left hand and was facing away from the door, towards the computer screen using the anesthesia machine. The computer was not logged in.

8. RN-1 asked Respondent what she was doing, Respondent stated she was checking the schedule. Respondent attempted to log in to the computer, but while pushing the keys, she could not lift her arm up. Respondent attempted to log in multiple times and still had the mask in her hand.

9. RN-1 observed that Respondent's affect was flat, her speech was slow and her eyes were dilated.

10. Respondent told RN-1 that she had a headache and was breathing oxygen to help. The anesthesia technician discovered that it was not just oxygen, but also nitrous.

11. Administrators then took Respondent to the Emergency Department (ED). Respondent advised ED personnel that she had been feeling stressed and has not been going to therapy. Respondent denied having any substance abuse issues.

12. After discharge from the ED, Respondent was drug tested and placed on suspension. Respondent tested positive for fentanyl. Respondent admitted not having a prescription for fentanyl and obtained a fentanyl patch "from a loved one that passed away."

13. Respondent resigned from her position at Hospital #2.

14. In resolution of these matters, 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(3)(f), fentanyl is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. By the conduct described in the Findings of Fact, Christine M. Kosnick, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § 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, territory, or country. A certified copy of the record of the board is conclusive evidence of the final action.

4. By the conduct described in the Findings of Fact, Christine M. Kosnick, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

5. As a result of the above conduct, Christine M. Kosnick, 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 Christine M. Kosnick, R.N., is REPRIMANDED.

3. The professional nursing license issued to Christine M. Kosnick, R.N., (license number 138221-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

a. For a period of at least two (2) years from the date of this Order:

- i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
- 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 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 forty-nine (49) times per year, for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
- iii. 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.
- iv. 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.
- v. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of

controlled substances, 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 the paragraph 3(a)iv.

- vi. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- vii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- viii. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- ix. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- x. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that Respondent does not have access to controlled substances. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days from the date of this Order for any current employer and on a quarterly basis thereafter from each nursing employer.

4. The professional nursing license issued to Christine M. Kosnick, R.N., (license number 138221-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of ethics and professionalism in nursing and three (3) hours of education on sharpening critical thinking skills offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

5. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. 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.

6. Within 120 days from the date of this Order, Christine M. Kosnick, R.N., shall pay COSTS of this matter in the amount of \$1,400.00.

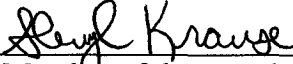
7. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

8. In the event Respondent violates any term of this Order, Respondent's license (138221-30), 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.

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

3-8-18
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

0005650

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHRISTINE M. KOSNICK, R.N.,
RESPONDENT.

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STIPULATION

Division of Legal Services and Compliance Case Nos. 16 NUR 443 and 16 NUR 463

Respondent Christine M. Kosnick, 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.

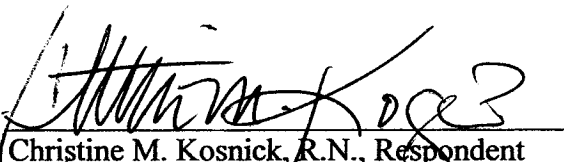
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

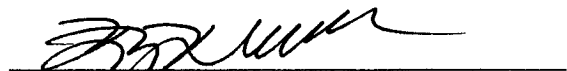
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Christine M. Kosnick, R.N., Respondent
N66W13303 Crestwood Drive
Menomonee Falls, WI 53051
License no. 138221-30

1/30/2018
Date


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

2/5/18
Date