

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

JAMIE M. KABELOWSKY, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005693

Division of Legal Services and Compliance Case No. 16 NUR 388

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

Jamie M. Kabelowsky, R.N.
W532 County Road L, Apt. #2
East Troy, WI 53120

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 Jamie M. Kabelowsky, R.N., (dob May 23, 1980) is licensed in the State of Wisconsin as a professional nurse, having license number 153719-30, first issued on February 8, 2006, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W532 County Road L, Apartment #2, East Troy, Wisconsin 53120.

Prior discipline

2. On May 14, 2014, the Oregon State Board of Nursing issued a Final Order of Suspension by Default (Oregon Order) suspending Respondent's nursing license for non-cooperation in an investigation in which Respondent was alleged to have diverted narcotics.

3. On March 12, 2015, the Board issued a remedial education order (Order #3805) based on the Oregon Order requiring Respondent to complete six (6) hours of education on documentation and medication errors.

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4. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital (Hospital), located in Milwaukee, Wisconsin.

5. On April 7, 2016, at 8:12 a.m., Respondent dispensed one (1) vial of 250 mcg fentanyl and one (1) vial of 1 mg/ml 5 ml midazolam from the Pyxis® dispensing machine in preparation for Patient A's procedure.

6. Between 8:12 a.m. and 8:45 a.m., Respondent and Radiology Technician A began prepping Patient A for the procedure.

7. Radiology Technician A witnessed Respondent set the medication on the table next to the Patient's bed while they repositioned Patient A. After repositioning Patient A, Radiology Technician A completed other tasks.

8. Respondent then told Radiology Technician A that she misplaced the medication and that it might be underneath Patient A.

9. At 8:44 a.m., Respondent entered into Pyxis® the waste of the same quantity she dispensed at 8:12 a.m., and that the waste was witnessed by Radiology Technician A. Radiology Technician A did not witness Respondent waste the medication.

10. At 8:45 a.m., Respondent dispensed from Pyxis® the same medications and same quantities for Patient A.

11. Respondent was then relieved by Nurse A.

12. Upon the completion of Patient A's procedure, Nurse A and Radiology Technician A searched underneath Patient A and did not find the missing medication. The missing medication was eventually located in the non-controlled medication cabinet.

13. In an interview with the Hospital's loss prevention investigator, Respondent admitted that she misplaced the medication and asked Radiology Technician A to witness the wasting because she believed it would "turn up later."

14. Respondent's employment was suspended pending investigation.

15. Respondent's supervisor searched Respondent's locker and located one (1) unmarked syringe containing approximately 4 ml of a clear liquid substance and one (1) blank Hospital prescription pad which could only be obtained from Respondent's supervisor's locked office.

16. Respondent's Pyxis® dispensing and waste records were cross referenced with patient electronic medication administration records and revealed that on thirteen (13) occasions between February 8, 2016 and April 8, 2016, Respondent dispensed and documented administering partial doses of fentanyl, but did not document the waste or return of the remaining fentanyl.

17. Respondent's Pyxis® report further revealed that on sixteen (16) occasions between February 8, 2016 and April 8, 2016, Respondent wasted medication that was dispensed by other nurses.

18. 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(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, Jamie M. Kabelowsky, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing, or attempting to obtain or possess a drug without lawful authority.

4. As a result of the above conduct, Jamie M. Kabelowsky, 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 Jamie M. Kabelowsky, R.N., is REPRIMANDED.

3. The professional nursing license issued to Jamie M. Kabelowsky, R.N., (license number 153719-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are 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 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.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The professional nursing license issued to Jamie M. Kabelowsky, R.N., (license number 153719-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. 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
- b. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting.
- c. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
- d. 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.
- e. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification

shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

- f. After two (2) years of working at least half-time as a nurse, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

5. The professional nursing license issued to Jamie M. Kabelowsky, R.N., (license number 153719-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo an AODA assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.
- b. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- c. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
- d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- e. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- f. Respondent shall comply with the evaluator's recommendations.

6. 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.

7. Within 120 days from the date of this Order, Jamie M. Kabelowsky, R.N., shall pay COSTS of this matter in the amount of \$901.00.

8. Any reports, documents, 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

9. In the event Respondent violates any term of this Order, Respondent's license (153719-30), 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.

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

4-12-8
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMIE M. KABELOWSKY, R.N.,
RESPONDENT.

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STIPULATION

0005693

Division of Legal Services and Compliance Case No. 16 NUR 388

Respondent Jamie M. Kabelwosky, 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.

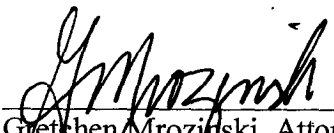
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

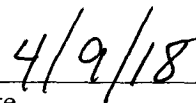
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Jamie M. Kabelowsky, R.N., Respondent
S71W14802 Wescot Drive
Muskego, WI 53150
License no. 153719-30

Date



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



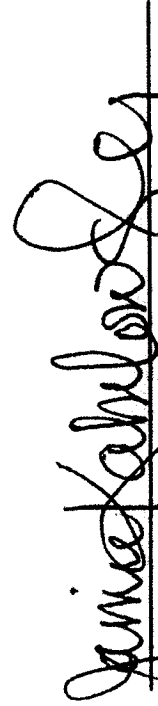
Date

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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.



Jamie M. Kabelowsky, R.N., Respondent

571 W 14802 Westcot Drive W532 County Rd. L

Muskego, WI 53150

Apt. #2

License no. 153719-30

East Troy, WI 53120

4/8/18

Date

Gretchen Mrozinski, Attorney

Department of Safety and Professional Services

Division of Legal Services and Compliance

Date