

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE APPLICATION FOR
REINSTATEMENT OF

MARIA ZINSKI,
APPLICANT.

:
:
: ORDER GRANTING
: LIMITED LICENSE
:

1006006

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

Maria Zinski
4375 S Honey Creek Drive
Greenfield, WI 53220

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

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. Maria Zinski (Applicant) filed an application for renewal of her Wisconsin professional nursing license (no. 134386-30). Such license, first issued to Applicant on March 3, 2000, and was surrendered on March 10, 2005.
2. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services is 4375 S. Honey Creek Drive, Greenfield, WI 53220.
3. Information received in the application process reflects that the Board has previously issued the following Orders pertaining to Applicant's Wisconsin professional nursing license (no. 134386-30):
 - a. Order LS0409169NUR issued by the Board on September 16, 2004; and
 - b. Order LS0409169NUR issued by the Board on March 10, 2005.

CONCLUSIONS OF LAW

1. The Board 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. §§ 15.08(5)(c) and 227.44(5).
2. By the conduct stated in the Findings of Fact, Applicant violated Wis. Stat. § 441.07(1g)(b) and Wis. Admin. Code §§ N 7.03(1)(g), (2), (6)(f) and 8(e).

ORDER

1. The attached Stipulation is accepted.
2. Applicant's renewal of her Registered Nurse license is granted subject to the following limitations. Limitations upon Applicant's license are necessary to ensure that she is fit and competent to practice as a Registered Nurse.
3. The professional license issued to Applicant Maria Zinski (license no. 134386-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, is LIMITED as follows:
 - a. For a period of one (1) year from the date of this Order, it is hereby ORDERED:
 - i. A limited license is granted to the Applicant for the sole purpose of allowing participation in a Board-approved nurse refresher course. The applicant is not permitted to use the limited license granted under this paragraph to engage in any employment as a nurse.
 - ii. Applicant must select a nursing refresher course from the Board-approved nursing refresher course list.
 - iii. Upon successful completion of the nursing refresher course, Applicant must submit documentation demonstrating successful completion of a Board-approved nursing refresher course.
 - iv. Applicant must submit documentation demonstrating successful completion of a Board-approved nursing refresher course within one (1) year from the date of this Order.
 - v. Pursuant to the Enhanced Nurse Licensure Compact, this limited license for the sole purpose of enabling the applicant to complete the refresher course is limited to Wisconsin during the pendency of this limitation.
 - b. Upon receipt of proof of successful completion of the Board-approved nursing refresher course acceptable to the Board or its designee, the limitations set forth in paragraph 3(a) of this Order shall be removed and Applicant Maria Zinski (license no. 134386-30) to practice nursing in the State of Wisconsin, and her

privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact shall be LIMITED as follows for a period of at least two (2) years:

Treatment Required

- i. Applicant shall complete an updated AODA assessment with a Treater acceptable to the Board or its designee within thirty (30) calendar days of successful completion of the Board-approved nursing refresher course. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
- ii. Applicant shall immediately provide Treater with a copy of this Order and all other subsequent orders.
- iii. Treater shall be responsible for coordinating Applicant's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to serve as required by this Order, Applicant shall immediately seek approval of a successor Treater by the Board or its designee.
- iv. The treatment program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by paragraph No. 8, below.
- v. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in drug and alcohol treatment.
- vi. Enrollment in the drug and alcohol treatment program shall occur within thirty (30) calendar days of successful completion of the Board-approved nursing refresher course.

Releases

- vii. Applicant shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collection sites, current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Applicant's treatment and rehabilitation with Treater, treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- viii. Applicant shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an approved equivalent program for recovering professionals, at the frequency recommended by Treater. Attendance of Applicant at such meetings shall be verified by the speaker or chair and reported quarterly to Treater and the Department Monitor.

Sobriety

- ix. Applicant 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. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant 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 Applicant'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.
- x. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. 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, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- xi. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that Applicant 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 Applicant's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in paragraph x. above.

Drug and Alcohol Screens

- xii. Applicant shall enroll and participate in a drug monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days of successful completion of the Board-approved nursing refresher course.
- xiii. At the time Applicant enrolls in the Approved Program, Applicant 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.
- xiv. 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.
- xv. All positive test results are presumed valid, and may result in automatic suspension of licensure by the Board or the Board's designee. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- xvi. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, Applicant 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.

Practice Limitations

- xvii. Applicant may not work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances.
- xviii. Applicant shall provide Applicant's nursing employer with a copy of this Order before engaging in, or continuing to engage in, any nursing employment. Applicant 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.
- xix. Applicant shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee, who has received a copy of this Order.
- xx. Applicant shall practice only in a work setting pre-approved by the

Board or its designee. Requests for preapproval must be accompanied by a current job description, name and contact information of the direct supervisor, and written acknowledgment from the employer that a copy of this Order has been received and that the restrictions will be accommodated.

- xxi. Applicant may not work in a home health care, hospice, pool nursing, assisted living, agency, or correctional setting.
 - xxii. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Applicant practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations, or may suspend Applicant's nursing license(s), in its discretion.
 - xxiii. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- 4. Pursuant to Enhanced Nurse Licensure Compact regulations, Applicant's nursing practice is limited to Wisconsin during the pendency of this limitation.
 - 5. The Board or its designee may, without hearing, suspend Applicant's nursing license upon receipt of information that Applicant is in violation of any provision of this Order. The Board or its designee may, in conjunction with the suspension, prohibit Applicant from seeking termination of the suspension for a specified period of time.
 - 6. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee.
 - 7. The Board may refer any violation of this Order to the Division of Legal Services and Compliance for investigation and action.
 - 8. One (1) year from submission of proof of successful completion of the Board-approved nursing refresher course, Applicant may petition the Board on an annual basis for a modification of the terms set forth in paragraph 3(b) of this Order. After two (2) consecutive years of successful compliance, Applicant may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

9. Any requests, petitions, reports and other information required by this Order shall be mailed, emailed, faxed or delivered to:

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

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

Dated this 1st day of November.

STATE OF WISCONSIN
BOARD OF NURSING

By Sheryl Krause
Member of the Board

1. The Applicant has filed an application to renew a professional nurse license.
2. Information received by the Board reflects a basis for denial of the renewal of the licensure.
3. Based upon the information of record, the Board agrees to issue, and the Applicant agrees to accept, an Order granting a renewal of license as a professional nurse, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 the Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (eNLC) and the Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the eNLC.

Maria Nagel (Zinski)

Maria Zinski, Applicant
4375 S Honey Creek Drive
Greenfield, WI 53220
License No. 134386-30

10.25.18
Date

Sheryl Krause

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

11/1/18
Date