

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

PATTI E. KACZMARSKI, R.N.
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007969

Division of Legal Services and Compliance Case No. 20 NUR 435 & 21 NUR 019

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

Patti E. Kaczmariski, R.N.
Lake Mills, WI 53551

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 Patti E. Kaczmariski, R.N., (Year of Birth 1965) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 109351-30, first issued on March 20, 1992, and current through February 29, 2024. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Lake Mills, WI 53551.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a hospital located in Milwaukee, Wisconsin (Facility).

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3. On August 14, 2020, Respondent exhibited signs of impairment while caring for patients at the Facility. While caring for a patient who was admitted for suicidal ideation, Respondent made insensitive statements including “Do you want to kill yourself or something?” and “You obviously need help.” While in the room, Respondent stumbled and had to use the patient’s leg as support to stop herself from falling.

4. As a result of this behavior, Respondent was given a drug screen and blood alcohol test. The results showed Respondent was under the influence of alcohol. Respondent was later terminated from the Facility.

5. On September 22, 2020, in correspondence to the Department, Respondent admitted that she was impaired at work on August 14, 2020, and that she is an alcoholic.

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6. On December 20, 2019, Respondent was convicted in Waukesha County Circuit Court case number 2018CF001331 of one count of OWI (4th), a felony, in violation of Wis. Stat. § 346.63(1)(a). Respondent did not report this conviction to the Department.

7. When Respondent applied for license renewal on February 5, 2020, she indicated no convictions since her last renewal on February 1, 2018. On April 8, 2021, in correspondence to the Department, Respondent admitted she intentionally did not report the conviction because of her alcohol addiction and fear of potential consequences.

8. On March 24, 2022, Respondent entered into an impairment program, separate from this Order, and signed the impairment program contract.

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

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. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent failed to notify the board of a felony in writing within 48 hours after the entry of the judgment of conviction, including the date, place, and nature of the conviction, within the meaning of Wis. Admin. Code § N 7.03(1)(h).

3. By the conduct described in the Findings of Fact, Respondent engaged in fraud, deceit, or material omission in the renewal of her license, within the meaning of Wis. Admin. Code § N 7.03(5)(e).

4. By the conduct described in the Findings of Fact, Respondent engaged in unsafe practice or substandard care by practicing nursing while under the influence of alcohol, within the meaning of Wis. Admin. Code § N 7.03(6)(e).

5. A nurse who possesses a multistate license from Wisconsin is ineligible to retain or renew the multistate license should the nurse incur a disqualifying event after the effective date of the Compact pursuant to Wis. Stat. § 441.51(3)(c)7. The effective date of the Compact is July 20, 2017.

6. Having been convicted of a felony offense under applicable state or federal criminal law is a disqualifying event pursuant to Wis. Stat. § 441.51(3)(c)7.

7. Being currently enrolled in an alternative program is a disqualifying event pursuant to Wis. Stat. § 441.51(3)(c)9. "Alternative program" means a non-disciplinary monitoring program approved by a licensing board pursuant to Wis. Stat. § 441.51(2)(b).

8. By the conduct described in the Findings of Fact, Respondent is ineligible to retain or renew her Wisconsin multistate license to practice nursing, pursuant to Wis. Stat. §§ 441.51(3)(c)7., 441.51(3)(c)9. and 441.51(3)(g).

9. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(a), (b), (c), and (d), and Wis. Admin. Code. § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent. is REPRIMANDED.

3. Respondent's multistate registered nurse license is deactivated; Respondent retains a Wisconsin single-state license to practice registered nursing, along with the right to apply for renewal of the single-state registered nurse license.

4. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 109351-30) is LIMITED as follows:

- a. Respondent shall comply with the impairment program contract dated March 24, 2022.
- b. Any violation of the terms of the impairment program contract dated March 24, 2022, is a violation of this order.
- c. Respondent may petition for termination of the limitation upon successful completion of the impairment program.

5. In the event Respondent is discharged from the impairment program prior to successful completion, Respondent's license, and appurtenant right to renew, may, in the discretion of the Board or its designee, be immediately SUSPENDED. In addition to, or instead of, the suspension, the Board may impose additional limitations to address any concerns with the conduct described in the Findings of Fact and Respondent's discharge from the impairment program.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,140.00.

7. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit payment online at: <https://dpsmonitoring.wi.gov>.

8. In the event Respondent violates any term of this Order, Respondent's license (109351-30), 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: Robert Weinman TBW-CCAP
A Member of the Board

5/12/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PATTI KACZMARSKI, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0007969

Division of Legal Services and Compliance Case No. 20 NUR 435 & 21 NUR 019

Respondent Patti Kaczmariski, 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 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.

Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


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.



Patti E. Kaczmarek, R.N., Respondent
Lake Mills, WI 53551
License No. 109351-30

4/21/2022

Date



Nicholas Dalla Santa, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

April 26, 2022

Date