



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 745430 §
issued to BODAHN JOSEPH KOBUSZEWSKI §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 25, 2021.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status.
4. Respondent received a Baccalaureate Degree in Nursing from Avila College, Kansas City, Missouri, on May 1, 2006. Respondent was licensed to practice professional nursing in the State of Texas on July 26, 2007.
5. Respondent's nursing employment history is unknown.
6. On or about June 13, 2017, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of

the June 13, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about January 15, 2019, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the January 15, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about May 22, 2019, Respondent's license to practice nursing in the State of Texas was Suspended and Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the May 22, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. On or about October 21, 2020, Respondent became non-compliant with the Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on May 22, 2019. Noncompliance is the result of Respondent's failure to comply with all requirements of the Kansas Nurse Assistance Program (KNAP) participation agreement, in that Respondent failed to abstain from the consumption of alcohol. Respondent produced a blood specimen for a drug screen that resulted positive for Phosphatidylethanol, which is a metabolite of Alcohol (ethanol). Furthermore, KNAP restarted Respondent's program and considered him unsafe to practice as a nurse until he receives a substance abuse evaluation, which he has not scheduled. Section I, Stipulation A and B of the Agreed Order for Peer Assistance Program dated May 22, 2019, states: "(D) RESPONDENT SHALL comply with all requirements of the applicable participation agreement during its term..." On or about November 2, 2020, Respondent was dismissed from TPAPN and referred back to the Board.
10. In response to Finding of Fact Nine (9), Respondent states he wants to respectfully sign the voluntary surrender due to not residing in Texas and options presented are not suitable at this time. Respondent is currently enrolled in KNAP, similar to that of TPAPN, and has chosen to complete the program in Kansas. I have been in compliance since Sept 21, 2020.
11. Respondent's license to practice nursing was Temporarily Suspended on January 27, 2021 and Formal Charges. A Probable Cause Hearing was held on February 10, 2021 at the State Office of Administrative Hearings, which found the Board had probable cause to suspend Respondent's license under Texas Occupations Code Section 301.4551.
12. Respondent by his signature expresses his desire to voluntarily surrender the licenses.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 745430, heretofore issued to BODAHN JOSEPH KOBUSZEWSKI.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 745430 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

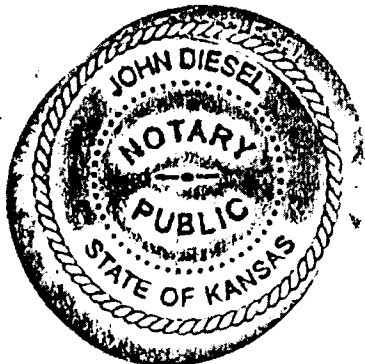
Signed this 16 day of March, 2021.

Bu Jy
BODAHN JOSEPH KOBUSZEWSKI, RESPONDENT

Sworn to and subscribed before me this 16 day of March, 2021.

SEAL

John Diesel
Notary Public in and for the State of KS



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of March, 2021, by BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, and said Agreed Order is final.

Effective this 21st day of March, 2021.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 745430 §
issued to BODAHN JOSEPH KOBUSZEWSKI §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 4, 2019.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Avila College, Kansas City, Missouri, on May 1, 2006. Respondent was licensed to practice professional nursing in the State of Texas on July 26, 2007.
5. Respondent's nursing employment history includes:

7/2007 – 9/2007

RN

Shawnee Mission MC
Shawnee Mission, Kansas

Respondent's nursing employment history continued:

| | | |
|------------------|---------|--|
| 9/2007 – 5/2016 | RN | Texas Health Resources Arlington, Texas |
| 7/20/10 – 5/2012 | RN | Parallon Staffing Agency Las Colinas, Texas |
| 6/2016 – 8/2017 | RN | Medical Center Las Colinas Las Colinas, Texas |
| 9/2017 – Present | Unknown | |

6. On or about June 13, 2017, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. Respondent has not successfully completed the terms of the order. A copy of the June 13, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about January 15, 2019, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. Respondent has not successfully completed the terms of the order. A copy of the January 15, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about January 28, 2019, Respondent became noncompliant with the 2nd Confidential Agreed Order for Peer Assistance issued by the Texas Board of Nursing on January 15, 2019. Noncompliance is the result of Respondent's failure to complete enrollment with the Texas Peer Assistance Program for Nurses (TPAPN) in that he informed TPAPN he had moved to Kansas. Stipulation I(B) of the Agreed Order dated January 15, 2019, reads in pertinent part:

“Within thirty (30) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process.”

On or about January 28, 2019, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing.

9. The Respondent states he timely contacted TPAPN to complete their enrollment process but was told he could not participate because he no longer resided in Texas. The Respondent maintains TPAPN changed its participation guidelines after the ratification of the January 15, 2019, Agreed Order. These changes included a new provision barring the enrollment of participants residing outside of Texas.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 745430, heretofore issued to BODAHN JOSEPH KOBUSZEWSKI.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 745430, previously issued to BODAHN JOSEPH KOBUSZEWSKI, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. (1) Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse; (2) Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and (3) Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

OR

- B. (1) Applies to, is accepted into, and completes enrollment in the Kansas Nurses Assistance Program as an alternative to TPAPN; and (2) Waives confidentiality and provides a copy of the fully executed Kansas Nurses Assistance Program participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of successful completion of one of the above specified requirements (either the requirements of paragraph A or B), the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN or Kansas Nurses Assistance Program, as applicable, **AND** until RESPONDENT fulfills the additional requirements of this Order.

- C. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- D. RESPONDENT SHALL comply with all requirements of the applicable participation agreement during its term and SHALL keep all applicable licenses to practice nursing in current status.
- E. RESPONDENT SHALL CAUSE the applicable program to notify the Texas Board of Nursing of any violation of the participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

II. **COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the suspension being stayed, unless otherwise specifically indicated:

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses or the Kansas Nurses Assistance Program, as applicable. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of May, 2019.

BODAHN JOSEPH KOBUSZEWSKI
BODAHN JOSEPH KOBUSZEWSKI, Respondent

Sworn to and subscribed before me this 18 day of May, 2019.

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| ANGSEAK. WOOTEN Notary Public-State of Kansas My Appt. Expires <u>6-3-19</u> |
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ANGSEAK WOOTEN
Notary Public in and for the State of KANSAS

Approved as to form and substance.

DAN LYPE
Dan Lype, Attorney for Respondent

Signed this 20 day of May, 2019.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of May, 2019, by BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, and said Agreed Order is final.

Effective this 22nd day of May, 2019.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

BEFORE THE TEXAS BOARD OF NURSING

| | | |
|--|---|------------------------------|
| In the Matter of | § | 2 nd CONFIDENTIAL |
| Registered Nurse License Number 745430 | § | AGREED ORDER |
| issued to BODAHN JOSEPH KOBUSZEWSKI | § | FOR |
| | § | PEER ASSISTANCE |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 10, 2018.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Confidential Agreed Order for Peer Assistance.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Avila College, Kansas City, Missouri, on May 1, 2006. Respondent was licensed to practice professional nursing in the State of Texas on July 26, 2007.
5. Respondent's nursing employment history includes:

| | | |
|-----------------|----|--|
| 7/2007 – 9/2007 | RN | Shawnee Mission Medical Center Shawnee Mission, Kansas |
|-----------------|----|--|

Respondent's nursing employment history continued:

| | | |
|------------------|---------|--|
| 9/2007 – 5/2016 | RN | Texas Health Resources Arlington Memorial Arlington, Texas |
| 7/2010 – 5/2012 | RN | Parallon Staffing Agency Las Colinas, Texas |
| 6/2016 – 8/2017 | RN | Medical Center Las Colinas Las Colinas, Texas |
| 9/2017 – Present | Unknown | |

6. On or about June 13, 2017, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the June 13, 2017, Order is attached and incorporated herein by reference as part of this Confidential Agreed Order for Peer Assistance.
7. On June 15, 2017, Respondent underwent a back surgery to help relieve his back pain.
8. On or about September 11, 2017, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on June 13, 2017. Non-compliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation One B (1)(B) of the Order dated June 13, 2017, states in part: "Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process."
9. In Response to Finding of Fact Number nine (9), Respondent admits that he missed the Order's technical deadline to enroll, but that he reasonably relied on his TPAPN case manager's extension of his enrollment deadline, due to the timing of his back surgery and post-procedure recovery.
10. On or about September 20, 2017, the Board received a complaint concerning Respondent's nursing practice. At the time of the complaint, Respondent was employed as a Registered Nurse with Medical City Las Colinas, Las Colinas, Texas, and had been in that position for one (1) year and two (2) months. However, the evidence gathered from the facility is insufficient to substantiate the alleged violations of the Board's laws and rules.
11. On November 1, 2017, Respondent completed the Intensive Outpatient Program at First Step Counseling and Respondent has been attending NA/AA meetings regularly since.

12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 745430, heretofore issued to BODAHN JOSEPH KOBUSZEWSKI.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within fifteen (15) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within thirty (30) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.

- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Confidential Agreed Order for Peer Assistance

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Confidential Agreed Order for Peer Assistance SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. **REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. **CONFIDENTIALITY REQUIREMENTS**

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

VI. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Confidential Agreed Order for Peer Assistance, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2nd day of January, 2019.

Boda J. Kobuszewski
BODAHN JOSEPH KOBUSZEWSKI, Respondent

Sworn to and subscribed before me this 2nd day of January, 2019.

SEAL

KYLE WATSON
Notary Public-State of Kansas
My Appt. Expires 02/17/2022

Kyle Watson
Notary Public in and for the State of Kansas

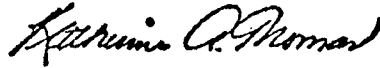
Approved as to form and substance.

Dan Lype, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Confidential Agreed Order for Peer Assistance that was signed on the 2nd day of January, 2019, by BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, and said Confidential Agreed Order for Peer Assistance is final.

Effective this 15th day of January, 2019.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § CONFIDENTIAL
Registered Nurse License Number 745430 § AGREED ORDER FOR
issued to BODAHN JOSEPH KOBUSZEWSKI § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 11, 2017.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Avila College, Kansas City, Kansas, on May 1, 2006. Respondent was licensed to practice professional nursing in the State of Texas on July 26, 2007.
5. Respondent's nursing employment history includes:

| | | |
|---------------|----|---|
| 05/06 - 09/07 | RN | Shawnee Mission Medical Center Shawnee Mission, Kansas |
|---------------|----|---|

Respondent's nursing employment history continued:

| | | |
|-----------------|----|---|
| 07/07 - 05/16 | RN | Texas Health Arlington Memorial Arlington, Texas |
| 06/10 - 05/12 | RN | Parallon Staffing Agency Las Colinas, Texas |
| 06/16 - Present | RN | Las Colinas Medical Center Irving, Texas |

6. At the time of the incident, Respondent was employed as a Registered Nurse with Texas Health Arlington Memorial Hospital, Arlington, Texas, and had been in that position for eight (8) years and ten (10) months.
7. On or about May 11, 2016, while employed as a Registered Nurse with Texas Health Arlington Memorial Hospital, Arlington, Texas, Respondent engaged in the intemperate use of Hydromorphone, in that he produced a specimen for a for-cause drug screen that resulted positive for Hydromorphone. The use of Hydromorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent admits he took his mother's 4mg Hydromorphone for back pain the night before he was tested. Respondent states he has been under the care of a spine specialist for prior injuries.
9. On or about July 11, 2016, Respondent submitted to a Psychological Evaluation with John Lehman, Ph.D. Dr. Lehman advised Respondent meets the criteria for a mild-moderate substance use disorder. Dr. Lehman stated Respondent has legitimate pain issues and has had several interventions to manage pain over the past eighteen (18) months. Dr. Lehman states this needs to be more fully evaluated and believes Respondent would benefit from an Intensive Outpatient Program.
10. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.

12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 745430, heretofore issued to BODAHN JOSEPH KOBUSZEWSKI.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);

- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing;
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order:

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of

nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may

be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

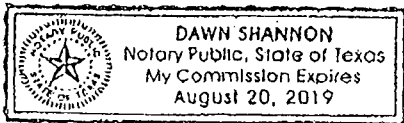
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24th day of May, 2017.

BODAHN JOSEPH KOBUSZEWSKI
BODAHN JOSEPH KOBUSZEWSKI, Respondent

Sworn to and subscribed before me this 24th day of May, 2017.

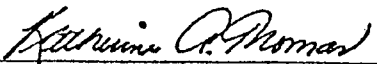
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Dawn Shannon
Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 24th day of May, 2017, by BODAHN JOSEPH KOBUSZEWSKI, Registered Nurse License Number 745430, and said Order is final.

Effective this 13th day of June, 2017.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board