

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

AMY M. KALOSKI, R.N. APPLICANT

AMENDED CONSENT ORDER

The Virginia Board of Nursing ("Board") and Amy M. Kaloski, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Kaloski's application for licensure to practice as a professional nurse in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Amy M. Kaloski submitted an application for licensure by examination as a professional nurse in the Commonwealth of Virginia, dated May 10, 2011, following her completion of the associate's degree nursing program at J. Sargeant Reynolds Community College. Her primary state of residence is Virginia.

2. On September 15, 2009, Ms. Kaloski was convicted of driving while intoxicated in the General District Court of Hanover County, Virginia. She was sentenced to 60 days incarceration with all time suspended upon certain conditions, including payment of fines and costs. She has satisfied all ordered court costs related to this conviction.

3. On May 12, 2010, Ms. Kaloski was convicted of failure to comply with the Virginia Alcohol Safety Action Program requirements of her 2009 DUI conviction referenced above. On November 22, 2010, she successfully completed the program, which included a 20-hour alcohol intervention program, a licensed treatment/counseling program from April 14, 2010, to July 28, 2010, attendance of a victim impact panel, and monitoring through case reviews, breath and urine drug screens, and attendance of AA meetings. She has also satisfied all ordered court costs related to this conviction.

4. On May 13, 2011, Ms. Kaloski was charged with a second offense, within five years, of driving while intoxicated in the General District Court of Hanover County, Virginia, with a pending trial date of October 21, 2011.

5. Ms. Kaloski admitted a history of alcohol dependency and reported her sobriety date as May 14, 2011. She has participated in an outpatient treatment program for substance abuse since June, 2011, that requires AA attendance, and breath and urine drug screens. To date, she is in full compliance with the program requirements.

6. Ms. Kaloski submitted a positive reference letter in support of her application for licensure.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2, 3 and 5 constitute violations of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

2. Ms. Kaloski is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).

3. Ms. Kaloski otherwise meets the requirements of § 54.1-3017 of the Code.

CONSENT

Amy M. Kaloski, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her application for licensure to practice professional nursing in Virginia.

ORDER

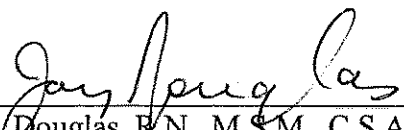
WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Amy M. Kaloski for licensure by examination is hereby APPROVED.
2. Upon successful completion of the NCLEX-RN examination, and upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, Ms. Kaloski shall be issued a license to practice professional nursing in the Commonwealth of Virginia.
3. Thereafter, Ms. Kaloski shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.
4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Amy M. Kaloski, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Kaloski shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Kaloski's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

5. Ms. Kaloski shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: September 14th, 2011

SEEN AND AGREED TO:


AMY M. KALOSKI

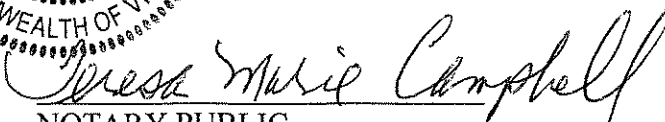
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF HENRICO, TO WIT:

Subscribed and sworn to before me, TERESA MARIE CAMPBELL a Notary Public, this 9th day of SEPT., 2011.

My commission expires _____

Registration Number _____




NOTARY PUBLIC