

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 83284 § AGREED
issued to JOSEPH W. KOLINOSKI, JR. § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 83284, issued to JOSEPH W. KOLINOSKI, JR., hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from the Patient Care Specialist Course, Brooke Army Medical Center, Fort Sam Houston, Texas, on October 18, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979.
5. Respondent's vocational nursing employment history includes:

1979-1988

Licensed Practical Nurse Instructor/Recruiter
US Air Force and Army

Respondent's vocational nursing employment history continued:

1988-1993	Staff Licensed Vocational Nurse Methodist Hospital San Antonio, TX
1993-1998	Staff Licensed Vocational Nurse Brooke Army Medical Center San Antonio, TX
1998-2000	Staff Licensed Practical Nurse Alabama Department of Youth Services Prattville, AL
2001	Not employed as a nurse
2002-2003	Licensed Practical Nurse Alacare Home Health Systems, Inc. Birmingham, AL
2003-2004	Staff Licensed Practical Nurse Prattville Baptist Nursing Center Prattville, AL
2004-2005	Staff Nurse/Counselor Elmore Community Hospital Wetumpka, AL
2005	Licensed Practical Nurse Global Diagnostic Services Conyers, GA
December 27, 2005-January 1, 2007	Licensed Practical Nurse Prison Health Services, Inc. Brentwood, TN
January 2, 2007-Present	Unknown

6. At the time of the initial incident, Respondent was employed as a Licensed Practical Nurse with Prison Health Services, Inc., Brentwood, TN, and contracted to work at Julia Tutwiler Prison for Women, Wetumpka, AL, and had been in this position for approximately one (1) year.

7. On or about August 21, 2007, Respondent VOLUNTARILY SURRENDERED his license to practice practical nursing in the State of Alabama, based on allegations that Respondent had engaged in sexual misconduct with inmates at a women's prison. The surrender was approved and accepted by the Alabama Board of Nursing, Montgomery, Alabama. A copy of the Voluntary Surrender dated August 21, 2007, is attached and incorporated, by reference as part of this Order.
8. On or about March 7, 2008, Respondent entered a plea of Guilty and was convicted of three (3) counts of "Sexual Misconduct," Class A misdemeanor offenses, in the Circuit Court of Elmore County, Alabama, under Cause No. CC 2007 000510.00. As a result, Respondent was sentenced to three hundred sixty-five (365) days in the Elmore County Jail; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on supervised probation for a period of two (2) years (each count to run concurrent with the other). Additionally, Respondent was ordered to pay a fine and court costs.
9. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice nursing in the State 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 violations of Section 301.452(b)(3),(8)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 83284, heretofore issued to JOSEPH W. KOLINOSKI, JR., including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 83284, heretofore issued to JOSEPH W. KOLINOSKI, JR., to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to JOSEPH W. KOLINOSKI, JR., to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. 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 multistate privilege, if any, to practice nursing in the State of Texas.

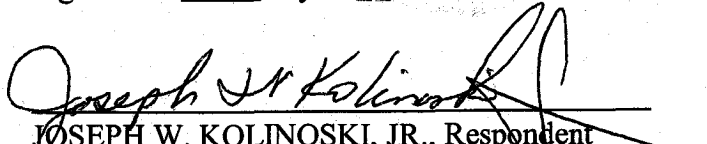
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

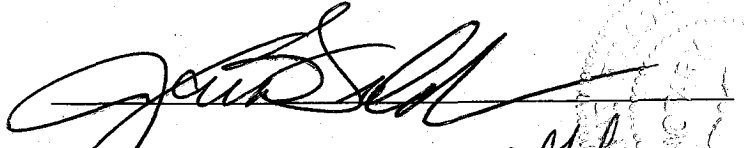
Signed this 3rd day of JUNE, 2008.

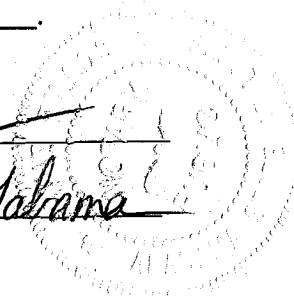

JOSEPH W. KOLINOSKI, JR., Respondent

My Commission Expires December 21, 2010

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL


Notary Public in and for the State of Alabama



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 83284, previously issued to JOSEPH W. KOLINOSKI, JR.

Effective this 16th day of June, 2008.



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

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

JOSEPH WILLIAM KOLINOSKI, JR.

)
) **VOLUNTARY SURRENDER**

ALABAMA LICENSE NO: 2-047918
CASE NUMBER: 2007-0286

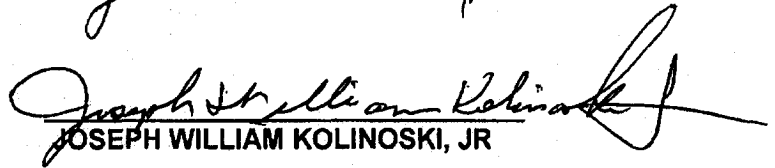
The undersigned holder of licensure to practice nursing in the state of Alabama pursuant to the Alabama Board of Nursing Administrative Code, §610-X-8-.15, hereby freely, knowingly and voluntarily surrenders said license to the Alabama Board of Nursing. I hereby acknowledge this surrender shall have the same effect as a revocation of my license, and I knowingly forfeit and relinquish all right, title and privilege of practicing nursing in the state of Alabama, unless and until such time as my license may be reinstated.

I understand I have a right to a hearing in this matter, and I hereby freely, knowingly and voluntarily waive such right. I also understand that should any request for reinstatement be entertained by the Board, the Board shall have access to the entire investigative file in this matter.

I further acknowledge the only promises or representations made to me by the Board or its representatives are that upon receipt of proper proof and evidence of my rehabilitation, the Board will give due consideration to an application for reinstatement of license at such time as is allowed by the law. I fully understand as a condition for reinstatement, I must demonstrate to the satisfaction of the board that I am capable of safely and competently resuming the practice of nursing in accordance with the laws of the state of Alabama.


This voluntary surrender shall become effective immediately upon acceptance thereof by the Alabama Board of Nursing. I understand this document will be considered to be a public record entered as the final disposition of disciplinary proceedings presently pending against me, and this action shall be considered to be and may be recorded as a final Order of the Board.

EXECUTED this the 20th day of August, 2007


JOSEPH WILLIAM KOLINOSKI, JR

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this
the 21st day of August, 2007

ALABAMA BOARD OF NURSING


N. GENELL LEE, M.S.N., R.N., JD
EXECUTIVE OFFICER