



3. The Licensee agrees to **SURRENDER** his nursing license and right to renew said license for an indefinite period commencing with the date on which the Board signs this Agreement (Effective Date).
4. After the Surrender Period when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph the Licensee may petition the Board for reinstatement of his license. The petition must be in writing and must include the following documentation of the Licensee's ability to practice nursing in a safe and competent manner, all to the Board's satisfaction:
  - a. Evidence of completion of all continuing education required by Board regulations for the two (2) renewal cycles immediately preceding the date on which the Licensee submits his petition ("petition date");
  - b. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the petition date<sup>2</sup>.
  - c. Written verification sent directly to the Board from each of the Licensee's medical care providers, which meets the requirements set forth in Attachment **B1**;
  - d. A report of a neurological-psychiatric evaluation, prepared within thirty (30) days of the petition date and sent directly to the Board. *Requirements for the evaluation must be requested from the Board.*
  - e. Authorization for the Board to obtain a Criminal Offender Record Information (CORI) report of the Licensee conducted by the Massachusetts Department of Criminal Justice Information Services.
  - f. Documentation that the Licensee has completed, at least one (1) year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2<sup>3</sup>. Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
  - g. Certified documentation from the state board of nursing of each

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<sup>2</sup> If the Licensee has not been employed during the year immediately prior to the petition date, Licensee shall submit an affidavit to the Board so attesting.

<sup>3</sup> If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

jurisdiction in which the Licensee has ever been licensed to practice as a nurse, sent directly to the Massachusetts Board identifying his license status and discipline history, and verifying that his nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.

- h. Submit documentation that he has successfully completed the following continuing education<sup>4</sup>:
  - i. Successful completion of CPR certification course.
  - ii. Six (6) contact hour of continuing education on the topic of Critical Thinking and Judgment in Nursing Practice.
  - iii. Three (3) contact hours of continuing education on the topic of Hand-Off Communication.
  - iv. Completion of continuing education related to Narcan administration
  - v. Signed affidavit in which Licensee attests to reviewing and understanding 244 CMR 3.03 through 3.05.
6. The Board may choose to reinstate the Licensee's license if the Board determines that reinstatement is in the best interests of the public at large. Any reinstatement of the Licensee's license may be conditioned upon the Licensee entering into a consent agreement for the PROBATION of his license including other requirements that the Board determines at the time of relicensure to be reasonably necessary in the best interests of the public health, safety and welfare.
7. The Licensee agrees that he will not practice as a Licensed Practical Nurse in Massachusetts from the Effective Date unless and until the Board reinstates his license<sup>5</sup>.
8. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the complaint.

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<sup>4</sup> These continuing education courses must be *in addition to* any contact hours required for license renewal. They may be taken as home study or as correspondence course, *provided that* they meet the requirements of Board Regulations at 244 CMR 5.00, Continuing Education.

<sup>5</sup> The Licensee understands that practice as a Licensed Practical Nurse includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a Licensed Practical Nurse or a paid or voluntary position requiring that the applicant hold a current Licensed Practical Nurse license. The Licensee further understands that if he accepts a voluntary or paid position as a Licensed Practical Nurse or engages in any practice of nursing after the Effective Date and before the Board formally reinstates his license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, ss. 65 and 80(A).

9. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the complaints.
10. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the complaint and this Agreement.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
12. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Peter E. Kozak 12/21/15  
 Peter E. Kozak (sign and date)

JAMES R. TEST  
 Witness Print

James R. Test 12-21-15  
 Witness (sign and date)

[Signature]  
~~Amy S. Fein, RN, BSN, JD~~ LORENA M. SILVAMSN-L  
~~Co-Interim Executive Director~~ MBA, DNP, RN  
~~Board of Registration in Nursing~~ Executive Director

1/13/16  
 Effective Date

Fully Signed Agreement Sent to Licensee on 1/14/16 by Certified  
 Mail No. 7014 0510 0001 0375 1735