

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF

ANTHONY ANKOWICZ, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER

ORDER 0001795

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The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

Anthony Ankowicz, R.N.  
117 North Seventh Street  
Madison, WI 53704

Board of Nursing  
P. O. Box 8936  
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing  
Division of Enforcement  
P. O. Box 8936  
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Anthony Ankowicz, R.N. as the respondent.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the Board or other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in said petition would be the Board of Nursing.

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 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

1. Anthony Ankowicz is duly licensed as a registered nurse in the State of Wisconsin (license #77884); the state Board of Nursing issued this license on October 31, 1980.
2. At all times relevant herein, Mr. Ankowicz was employed as a registered nurse at University Hospital in Madison, Wisconsin.
3. On exact dates unknown but beginning in August, 1981 and continuing up through December 6, 1981, and again on June 1, 1982, Mr. Ankowicz diverted quantities of Cocaine in injectible solution for his personal use from the narcotics cupboard in the operating room at University Hospital.
4. To conceal this diversion, Mr. Ankowicz on repeated occasions diluted the Cocaine solution remaining in the vials he tampered with, and returned the tampered vials to narcotics storage.
5. To counteract the stimulant effect of the Cocaine, respondent also self-administered by injection quantities of sublimaze, morphine, and sodium pentothal during this period of time.
6. On June 1, 1982, respondent turned himself in to the hospital administration at University Hospital.
7. On June 27, 1982, Mr. Ankowicz began inpatient treatment at DePaul Rehabilitation Hospital in Milwaukee, Wisconsin. He completed the inpatient treatment program, and was discharged on July 30, 1982.
8. Mr. Ankowicz then returned to his employment at University Hospital in Madison, Wisconsin. He continues to be involved in counselling and in the random witnessed urine drug screening program of the impaired nurse program at DePaul.

### CONCLUSIONS OF LAW

The above-described conduct of diversion, self-administration, and tampering with controlled substances constitutes a basis for the imposition of discipline against the license of Anthony Ankowicz, R.N. pursuant to Wis. Stats. sec. 441.07(1)(c) and (d) and Wis. Adm. Code sec. N 11.03(3)(b).

Therefore, it is hereby ORDERED:

1. The Division of Enforcement recommends that the Board of Nursing impose the following discipline:
  - a. The license of Mr. Ankowicz be suspended for a period of one year. This suspension would be stayed pending the successful completion

of the period of license limitation outlined in paragraph b, below.

b. The license of Mr. Ankowicz be limited for a period of 2 years as follows:

1. Mr. Ankowicz must remain free of alcohol and unprescribed controlled substances during the period of limitation.
2. Mr. Ankowicz must participate in a program of random supervised monitoring, on a weekly basis, of controlled substances and alcohol in his blood and/or urine.

Mr. Ankowicz understands that he would be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, and that he would be responsible for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility must agree to provide random, monitored gathering of specimens for evaluation. It must further agree to file an immediate report with the Bureau of Nursing if Mr. Ankowicz fails to appear upon request, or if a drug screen proves positive, or if Mr. Ankowicz refuses to give a specimen for analysis upon the request of the monitoring facility.

3. Mr. Ankowicz must remain in his current counseling program, or in another counseling program acceptable to the Board.
4. Mr. Ankowicz must arrange for written quarterly reports to the Bureau of Nursing from his employer evaluating his work performance, from his counselor evaluating his progress in therapy, and from his monitoring facility, providing the dates and results of the screenings performed.
5. Mr. Ankowicz may petition the Board at any time during the limitation period to revise or eliminate any of the above conditions.
6. Violation of any of the terms of the limitation may result in summary suspension of Mr. Ankowicz's license, the imposition of the stayed portion of the discipline, and/or the imposition of additional discipline.
7. The Board of Nursing recognizes Mr. Ankowicz's current participation in an approvable program and, therefore, sets the limitation period to commence retroactively beginning on June 27, 1982.

BOARD OF NURSING

By:

Margaret Lundquist  
A Member of the Board

1/28/83  
Date

SMG:1b  
108-926

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSE OF

ANTHONY ANKOWICZ, R.N.  
RESPONDENT.

:  
:  
: STIPULATION  
:  
:

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It is hereby stipulated between Anthony Ankowicz, R.N., personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. Anthony Ankowicz is duly licensed as a registered nurse in the State of Wisconsin (license #77884); the state Board of Nursing issued this license on October 31, 1980.
2. This Stipulation is entered into as the result of the pending investigation of Mr. Ankowicz's practice by the Division of Enforcement (case file #82 Nurse 49). Mr. Ankowicz consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
3. Mr. Ankowicz is aware of and understands each of his rights, including: the right to a hearing on the allegations against him in which the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself, 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 rights afforded to Mr. Ankowicz under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. That Mr. Ankowicz freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph ~~X~~<sup>3</sup> above.
5. This Stipulation shall be submitted to the Board of Nursing to form the basis for the final decision and order in this matter.
6. If the terms of the Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further action.
7. If the Board accepts the terms of the Stipulation, the parties in this action consent to the entry of the attached final decision and order without further notice, pleading, appearance or consent of the parties.
8. Mr. Ankowicz admits the following items relevant to the Division of Enforcement investigation (82 Nurse 49):

- a. At all times relevant herein, Mr. Ankowicz was employed as a registered nurse at University Hospital in Madison, Wisconsin.
  - b. On exact dates unknown but beginning in August, 1981 and continuing up through December ~~5~~ 1981, and again on ~~June 1~~, 1982, <sup>May 28</sup> Mr. Ankowicz diverted quantities of Cocaine in injectible solution for his personal use from the narcotics cupboard in the operating room at University Hospital.
  - c. To conceal this diversion, Mr. Ankowicz on repeated occasions diluted the Cocaine solution remaining in the vials he tampered with, and returned the tampered vials to narcotics storage.
  - d. To counteract the stimulant effect of the Cocaine, respondent also self-administered by injection quantities of sublimaze, morphine, and sodium pentothal during this period of time.
  - e. On June 1, 1982, respondent turned himself in to the hospital administration at University Hospital.
  - f. On June 27, 1982, Mr. Ankowicz began inpatient treatment at DePaul Rehabilitation Hospital in Milwaukee, Wisconsin. He completed the inpatient treatment program, and was discharged on July 30, 1982.
  - g. Mr. Ankowicz then returned to his employment at University Hospital in Madison, Wisconsin. He continues to be involved in counselling and in the random witnessed urine drug screening program of the impaired nurse program at DePaul.
  - h. A copy the progress report from DePaul Rehabilitation Hospital is attached to this Stipulation.
  - i. Mr. Ankowicz, admits that the above described conduct of diversion, self-administration and tampering with controlled substances constitutes a basis for the imposition of discipline against his license under Wis. Stats. sec. 441.07(1)(c) and (d) and Wis. Adm. Code sec. N 11.03(3)(b).
9. The Division of Enforcement recommends that the Board of Nursing impose the following discipline:
- a. The license of Mr. Ankowicz be suspended for a period of one year. This suspension would be stayed pending the successful completion of the period of license limitation outlined in paragraph b, below.
  - b. The license of Mr. Ankowicz be limited for a period of 2 years as follows:
    1. Mr. Ankowicz must remain free of alcohol and unprescribed controlled substances during the period of limitation.
    2. Mr. Ankowicz must participate in a program of random supervised monitoring, on a weekly basis, of controlled substances and alcohol in his blood and/or urine.

Mr. Ankowicz understands that he would be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, and that he would be responsible for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility must agree to provide random, monitored gathering of specimens for evaluation. It must further agree to file an immediate report with the Bureau of Nursing if Mr. Ankowicz fails to appear upon request, or if a drug screen proves positive, or if Mr. Ankowicz refuses to give a specimen for analysis upon the request of the monitoring facility.

3. Mr. Ankowicz must remain in his current counseling program; or in another counseling program acceptable to the Board.
4. Mr. Ankowicz must arrange for written quarterly reports to the Bureau of Nursing from his employer evaluating his work performance, from his counselor evaluating his progress in therapy, and from his monitoring facility, providing the dates and results of the screenings performed.
5. Mr. Ankowicz may petition the Board at any time during the limitation period to revise or eliminate any of the above conditions.
6. Violation of any of the terms of the limitation may result in summary suspension of Mr. Ankowicz's license, the imposition of the stayed portion of the discipline, and/or the imposition of additional discipline.
7. The Division further recommends that the Board of Nursing recognize Mr. Ankowicz's current participation in an approvable program and, therefore, set the limitation period to commence retroactively beginning on June 27, 1982.

November 24, 1982  
Date

Anthony Ankowicz  
Anthony Ankowicz

November 29, 1982  
Date

Steven M. Gloe  
Steven M. Gloe

SMG:kh  
086-371