

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

DARRELL DEAN HOWARD, R.N., :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 0001765

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

Darrell Dean Howard, R.N.
115 Canterbury Court
Waunakee, WI 53597

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 Darrell Dean Howard as the respondent.

A party aggrieved by this decision who is a resident of this state 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 party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and 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 the petition is 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. That Darrell Dean Howard, herein after called the respondent, was at times relevant to this proceeding, duly licensed under the provisions of

Chapter 441, Stats., to practice as a registered nurse in the State of Wisconsin.

2. That the respondent's registered nurse license is #70466 with an expiration date of January 31, 1986.

3. That the respondent's address is 115 Canterbury Court, Waunakee, Wisconsin 53597.

4. That effective March 26, 1984, the respondent's license to practice professional nursing was revoked in another United States jurisdiction, to wit, the State of California.

5. That a copy of the Stipulation and Decision by the California Board of Registered Nursing is attached as Exhibit A. That attached as Exhibit B is the copy of the corresponding Accusation.

6. That the respondent attended counseling sessions concerning drug abuse for a period of approximately three months in California. The period of counseling ran from October, 1983 through January, 1984.

7. That the Respondent commenced employment at Madison General Hospital on April 15, 1985. As a condition of his employment the respondent was required to obtain further rehabilitation as described in Exhibit C which is attached. Attached as Exhibit D is a memorandum summarizing the respondent's current rehabilitative efforts.

CONCLUSIONS OF LAW

1. That having one's nursing license revoked in another jurisdiction of the United States constitutes moral delinquency and unprofessional conduct for the purposes of Wisconsin Administrative Code secs. N 11.03(3)(d) and N 11.04(1).

2. That the Board of Nursing has jurisdiction to take disciplinary action against the respondent pursuant to sec. 441.07, Stats., for violating board rules and unprofessional conduct.

Therefore, it is hereby ORDERED:

(a) The license of Mr. Howard is SUSPENDED for a period of not less than two (2) years. The suspension shall be stayed for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. Mr. Howard may apply for consecutive three months extensions of the stay of suspension, which shall be granted upon Mr. Howard's acceptable demonstration of compliance with the conditions and limitations imposed on Mr. Howard's practice during the prior three month period.

ii. If the Board denies a petition by Mr. Howard for an extension, the Board shall afford Mr. Howard an opportunity for hearing in

accordance with current regulations governing denial proceedings, upon timely receipt of a request for hearing.

- iii. Upon successful compliance for a period of two years with the terms of paragraph (b), below, the Board shall grant a petition by Mr. Howard for a return to full licensure.

(b) CONDITIONS OF STAY

- i. Mr. Howard must remain in a program acceptable to the board for the treatment of chemical dependency. As a part of his treatment, Mr. Howard must remain in his treatment program described in Exhibit C. In addition, Mr. Howard must attend Alcoholics Anonymous or Narcotics Anonymous at least one time per week.
- ii. Upon request of the board, Mr. Howard must provide the Board with current releases complying with state and federal laws, authorizing releases of his counseling, treatment, and monitoring records.
- iii. Mr. Howard must remain free of alcohol and controlled substances not prescribed for a valid medical purpose.
- iv. Mr. Howard must participate in a program of random and witnessed monitoring, for controlled substances and alcohol in his blood and/or urine. Drug screens are required on a weekly basis. If the therapist supervising Mr. Howard's plan of care deems that additional blood or urine screens are necessary, Mr. Howard must submit to those screens.

Mr. Howard shall be responsible for obtaining a monitoring facility and reporting system acceptable to the board, as well as 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 and witnessed gatherings of specimens for evaluation. It must further agree to file an immediate report with the Board of Nursing upon such failure to participate as: if Mr. Howard fails to appear upon request; or if a drug or alcohol screen proves positive; or if Mr. Howard refuses to give a specimen for analysis upon the request of the monitoring facility.

- v. Mr. Howard shall arrange for written quarterly reports to the Board of Nursing from his employer evaluating his work performance; from his monitoring facility providing the dates and results of the screenings performed; from his counselor, evaluating his attendance and progress in therapy; and from himself, reporting his attendance at A.A. or N.A. meetings.
- vi. Mr. Howard shall inform the Board within five (5) days of any change in his employment status.

(c) Mr. Howard may petition the board in conjunction with any application for additional stay to revise or eliminate any of the above conditions.

(d) Violation of any of the terms of limitation of this order may result in summary suspension of respondent's license; the denial of an extension of the stay of suspension; the imposition of additional discipline conditions and limitations on Mr. Howard's practice; or the imposition of other additional discipline.

(e) This order shall become effective fifteen (15) days following the date of its signing.

BOARD OF NURSING

By: John J. Bartkowski
A Member of the Board (PRP)

9/18/85
Date

MJB:je
017-488

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

DARRELL DEAN HOWARD, R.N., :
RESPONDENT. :

STIPULATION


It is hereby stipulated by the parties as follows:

1. By signing this Stipulation the respondent voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the state has a 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 own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, 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 applicable rights under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

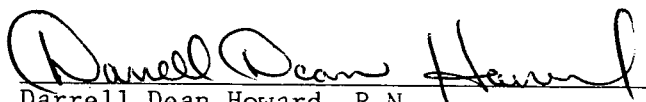
2. This Stipulation and attached Final Decision and Order shall be submitted to the Board of Nursing for purposes of reaching a final resolution in this matter.

3. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board of Nursing, than neither of the parties shall be bound by any of the terms.

4. The parties urge acceptance by the Hearing Examiner and by the Board of Nursing of this Stipulation and attached Final Decision and Order.


Michael J. Berndt
Attorney for Complainant

6/28/85
Date


Darrell Dean Howard, R.N.

7/23/85
Date

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 LAWRENCE C. KUPERMAN,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7309
5 Attorneys for Complainant
6

7 BEFORE THE
8 BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA
11
12

13 In the Matter of the Accusation) No. 84-93
14 Against:)
DARRELL HOWARD, R.N.) STIPULATION AND DECISION
15 3742 Curtis Street)
San Diego, California 92106)
16 License No. N-273884)
17 Respondent.)
18

19 IT IS HEREBY STIPULATED BY and between the parties in
20 the above-entitled matter as follows:

21 1. An accusation, No. 84-93, is currently pending
22 against DARRELL HOWARD, R.N., before the Board of Registered
23 Nursing (hereinafter referred to as the "Board").

24 2. Respondent has counseled with Don Harrington,
25 attorney at law, in this matter.

26 3. Respondent is fully aware of the charges and
27 allegations contained in accusation No. 84-93 on file with the

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1 Board, and respondent has been fully advised with regard to
2 his rights in this matter.

3 4. Respondent is fully aware of the right to a
4 hearing on the charges and allegations contained in the
5 accusation, right to reconsideration, appeal and all other
6 rights which are accorded pursuant to the Administrative
7 Procedure Act.

8 5. Respondent hereby freely and voluntarily
9 waives the right to a hearing, reconsideration, appeal, and
10 any and all other rights which are accorded by the
11 Administrative Procedure Act.

12 6. Respondent admits that each and every allega-
13 tion of the accusation is true and that cause exists thereby
14 to impose discipline upon his license. This admission is
15 made for the purpose of this stipulation only, and it may
16 not be used for any other purpose or in any other proceeding.

17 WHEREFORE, IT IS STIPULATED THE BOARD MAY,
18 WITHOUT FURTHER NOTICE OF FORMAL PROCEEDING, ISSUE AND ENTER
19 THE FOLLOWING DECISION:

20 A. License No. D-273884 issued to respondent
21 Darrell Howard, R.N., is revoked, provided, however, that
22 the revocation is hereby stayed and respondent's license is
23 placed on probation for a period of three (3) years upon the
24 following terms and conditions:

25 1. OBEY ALL LAWS - Respondent shall obey all the
26 laws of the United States, State of California, and all
27 /

1 rules and regulations and laws pertaining to the practice of
2 nursing in this state.

3 2. COMPLY WITH PROBATION PROGRAM - Respondent
4 shall fully and completely comply with the probation program
5 established by the Board and cooperate with representatives
6 of the Board.

7 3. REPORT IN PERSON - Respondent during the
8 period of probation shall report in person to such meetings
9 of the Board of Registered Nursing or its designated repre-
10 sentatives, as directed.

11 4. ABSENCE FROM STATE - In the event respondent
12 should leave California to reside or practice outside of the
13 state, respondent must notify the Board in writing of the
14 dates of departure and return. Reporting in person may be
15 waived if the respondent moves out of state. If employed in
16 another state as a registered nurse, the respondent must
17 submit to the Board written documentation that the other
18 Board is aware of the reason for and terms of probation.
19 The respondent must continue compliance with all other terms
20 to retain California licensure. Periods of residency or
21 practice outside the State of California will not apply to
22 the reduction of this probationary term.

23 5. SUBMIT WRITTEN REPORTS - Respondent, during
24 the period of probation, shall submit such written reports
25 and verification of actions as are required by the Board.

26 6. NOTIFY EMPLOYER - Respondent, if employed in
27 nursing at any time during the period of probation shall

1 have the employer submit to the Board written verification
2 that the employer and the probationer's immediate supervisor
3 understand the conditions of probation.

4 7. SUPERVISION - The Board shall be informed of
5 and approve of the type of supervision provided while the
6 respondent is functioning as a registered nurse.

7 8. EMPLOYMENT LIMITATIONS - Respondent shall
8 obtain prior approval of the place of employment from the
9 Board. Respondent may not work for a nurses registry.

10 9. PHYSICAL EXAMINATION -

11 a. If not employed in nursing on the effective
12 date of this decision, respondent shall not resume the practice
13 of nursing in the State of California until such time as
14 respondent submits to the Board satisfactory evidence in
15 writing from a physician that respondent is physically
16 capable of performing the professional duties of a
17 registered nurse. The respondent shall insure that the
18 physician has read and understands the decision of the
19 Board. If medically determined, a recommended treatment
20 program will be instituted and followed by respondent with
21 the physician providing written reports to the Board.

22 b. If employed in nursing on the effective date
23 of this decision, the respondent shall, within 45 days
24 submit to the Board satisfactory evidence in writing from a
25 physician that the respondent is physically capable of
26 performing the professional duties of a registered nurse. The
27 respondent shall insure that the physician has read and

understands the decision of the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician providing written reports to the Board.

10. PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent shall participate or shall have participated in a rehabilitation program which the Board approves and have reports submitted by the program.

11. ABSTAIN FROM USE OF NARCOTICS - Respondent shall completely abstain from the personal use of narcotics, hypnotics, controlled substances or dangerous drugs, in any form, except when a bonafide patient of a licensed physician and when the same are lawfully prescribed.

12. SUBMIT TO TESTS AND SAMPLES - Respondent, at any time during the period of probation shall fully cooperate with the Board of Registered Nursing or any of its agents or employees, in their supervision and investigation of compliance with the terms and conditions of probation; and shall, when requested, submit to such tests and samples as the Board of its agents or employees may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or controlled substances.

B. In the event that during the above-mentioned period of probation, respondent does not comply with the terms and conditions as set forth hereinabove, the Board after notice to respondent and after providing an opportunity to be heard, may terminate the stay of revocation or

1 make such other order modifying or changing the terms of
2 probation as the Board shall deem proper.

3 C. In the event that respondent complies with
4 all the terms and conditions of probation as set forth
5 hereinabove, upon the expiration of the above-described
6 period of probation the stay of revocation of respondent's
7 license to practice registered nursing shall become per-
8 manent and respondent's license shall be fully restored.

9 D. This stipulation shall be subject to the
10 approval of the Board of Registered Nursing. If the Board
11 fails to approve this stipulation, it shall be of no force
12 or effect for either party.

13 JOHN K. VAN DE KAMP, Attorney General
14 LAWRENCE C. KUPERMAN,
15 Deputy Attorney General

16 DATED: 1/15/85

Lawrence C. Kuperman
17 LAWRENCE C. KUPERMAN
18 Deputy Attorney General

19 Attorney for Complainant

20
21 DATED: 11-16-84

Darrell Howard
22 DARRELL HOWARD, R.N.
23 Respondent

24
25 DATED: 11-20-84

Don L. Harrington
26 DON L. HARRINGTON, ESQ.
27 Attorney for Respondent

1 The foregoing Stipulation and Decision is adopted
2 by the Board of Registered Nursing as its decision and shall
3 become effective on the 26th day of March, 1984.

4 IT IS SO ORDERED this 25th day of February,
5 1984.

6
7 /s/ LeVerne Bulluck
8 BOARD OF REGISTERED NURSING
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2 LAWRENCE C. KUPERMAN
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5 Attorneys for Complainant
6
7

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
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| | | |
|------------------------------------|---|-------------------|
| 10 In the Matter of the Accusation |) | No. 84-93 |
| Against: |) | |
| 11 |) | |
| DARRELL HOWARD |) | |
| 12 3742 Curtis Street |) | <u>ACCUSATION</u> |
| San Diego, California 92106 |) | |
| 13 |) | |
| License No. N-273884 |) | |
| 14 |) | |
| Respondent. |) | |
| 15 |) | |

16
17 Catherine M. Puri, R.N., for causes for discipline,
18 alleges:
19

20 1. Complainant Catherine M. Puri, R.N., makes this
21 accusation in her official capacity as Executive Officer, Board
22 of Registered Nursing, Department of Consumer Affairs.
23

24 2. On December 31, 1976, Darrell Howard was issued
25 Registered Nursing License Number N-273884. At all times
26 pertinent herein, said license was in full force and effect.
27

///

1 3. Under Business and Professions Code section 2750,
2 the Board of Registered Nursing may discipline any licensee,
3 including a licensee holding a temporary or an inactive
4 license, for any reason provided in Article 3 of the Nursing
5 Practice Act.

6

7 4. Drugs

8 Demerol is a brand name for Meperidine Hydrochloride,
9 a derivative of Pethidine, a dangerous drug within the meaning
10 of Business and Professions Code section 4211, and a narcotic
11 as defined by Health and Safety Code section 11032, and is
12 listed in Health and Safety Code section 11055(c)(14) as a
13 Schedule II controlled substance. It is also listed in 21
14 C.F.R. 1308.12(c)(15) of the Federal Controlled Substances Act
15 as a Schedule II controlled substance.

16

17 5. Respondent has subjected his license to discipline
18 under Business and Professions Code section 2761(a) on the
19 grounds of unprofessional conduct, as defined in section 2762(a),
20 in that during September 1983, while on duty at Sharp Memorial
21 Hospital, San Diego, he obtained and possessed Demerol, a
22 dangerous drug, in violation of law.

23

24 6. Respondent has subjected his license to discipline
25 under Business and Professions Code section 2761(a) on the
26 grounds of unprofessional conduct, as defined by section 2762(e),
27 in that during September 1983, while on duty at Sharp Memorial

1 Hospital, San Diego, he made the following false and grossly
2 inconsistent entries in hospital narcotic and controlled
3 substances records and patient records:

4 a. On September 10, 1983, at 2000 hours, he signed
5 out Demerol, 100 mg., for patient J.S. without a physician's
6 order for Demerol, 100 mg., and failed to chart the dosage on
7 the patient's medication record.


8 b. On September 12, 1983, at 0230 hours, he signed
9 out Demerol, 75 mg., for patient D.F. without a physician's
10 order for Demerol, 75 mg., and failed to chart the dosage on
11 the patient's medication record.

12
13 WHEREFORE, complainant prays a hearing be had and
14 that the Board of Registered Nursing make its order:

15 1. Revoking or suspending Registered Nursing License
16 No. N-273884, issued to Darrell Howard.

17 2. Taking such other and further action as may be
18 deemed appropriate.

19
20 DATED: May 4 1984

21
22 
23 Catherine M. Puri
24 CATHERINE M. PURI, R.N.
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
State of California

Complainant

03579110-
SD84AD0010

Inpatient and Emergency Services
202 South Park Street
Madison, Wisconsin 53715
(608) 267-6291



Outpatient Services
1605 Monroe Street
Madison, Wisconsin 53711
(608) 258-8700

M E M O

TO: Gloria Schmitz
FROM: Joyce Grzeskowiak *JG*
RE: Darrell Howard, R.N.
DATE: April 29, 1985

APEC/MADISON GENERAL HOSPITAL

This information has been disclosed to your firm records where confidentiality is protected by Federal LHM. Federal regulations (45 CFR 164.512) prohibit the release of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is not sufficient for this purpose.

Upon review of Mr. Howard's screening data and consultation with Ms. Ryan and the treatment team at NewStart, I have the following recommendations for Mr. Howard if he is to be a staff nurse for the Neuro-orthopedic unit:

1. Involvement in the B.E.T.A. evening program for education about chemical abuse and support to develop alternatives to deal with depression, isolation and other stressors, as soon as possible with completion of the 10 week Aftercare program. A payment plan will be arranged at Madison General Hospital.
2. Toxicology screens on PRN basis dependent upon case manager's and physician's discretion for one year.
3. Ongoing outpatient therapy in a support group for dealing with emotional and occupational stressors for one year.

I agree to the above conditions to maintain my employment at Madison General Hospital as a staff nurse.

Joyce M. Grzeskowiak
Joyce Grzeskowiak
Outpatient Clinic Manager

Darrell Howard
Darrell Howard, R.N.

JG/skt
cc: Darrell Howard, R.N.
Susan Rosenbeck, R.N.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: June 26, 1985

File Ref: 85 Nurse 31
Darrell D. Howard, R.N.

To: Mike Berndt, Staff Attorney

From: Mary Laughlin

Subject: Investigative Contact

On 6/25/85 I met with Joyce Grzeskowiak, manager of out patient services of NewStart at 1605 Monroe St., Madison. Ms. Grzeskowiak is also the case manager for Respondent. I explained the purpose of our investigation and our procedures and asked her to tell me about Respondent's treatment at New Start. In response to my questions and by way of explanation she stated, in substance, the following:

Respondent was referred to New Start by the Employee Assistance Program at Madison General Hospital. He was evaluated by the New Start staff and a treatment plan was developed. The first phase of the treatment program included involvement in BETA (Brief Evening Treatment Alternative) program for intensive outpatient counseling. This consisted of four hours four nights per week of group therapy for four weeks. Respondent was in the BETA program from 5/6 - 5/30/85. I have a copy of the discharge summary from the Beta Program. I also have copies of the lab results from three blood alcohol tests that were run in May, 1985.

Ms. Grzeskowiak stated that they intended to have urine screens done at the same time, but for some reason they do not have a record of any urine screens having been done. Either the H.D. ordered the screens incorrectly or the lab failed to run the tests or record the results. She has no way of knowing what went wrong.

Upon completion of the four week Beta Program, Respondent entered a ten week after care group. This group meets for one hour once a week. He began the after care group on 6/5/85. At the same time he attends AA meetings at least twice a week as part of the treatment plan. He also attends an outpatient group session once a week for 90 minutes for two years. This is a smaller group which addresses the specific needs of each person.

Exhibit D

Ms. Grzeskowiak stated that Respondent is highly motivated and very open and honest about his feelings. He is cooperative and very willing to be involved in the treatment program.

Ms Grzeskowiak asked me a few questions about the monitoring program that the Board of Nursing uses. She had questions about the mechanics of the random screens because she has another R.N. in her program who is at about the same stage as Respondent. I explained that I am not involved in the monitoring and told her that Katie Kyndely would be better able to answer her questions. She said that she had some contact with Katie in the past. She was also concerned because the Madison General Hospital lab is not one of the four labs approved by the Board. She is working with Kaitie now in an effort to gain approval.

