

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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# FILE COPY

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BEVERLY WAMPFLER HOWE, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER

ORDER 0001693

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

## ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. Let a copy of this order be served on the respondent by certified mail.

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 party to be named as respondent in the petition is Beverly Wampfler Howe, R.N.

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 State of Wisconsin, Board of Nursing.

Dated this 23 day of May, 1986.

Suzanne G. G. G.

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : PROPOSED DECISION  
BEVERLY WAMPFLER HOWE, R.N., :  
RESPONDENT. :  
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The parties to this proceeding for the purpose of Wis. Stats.  
sec. 227.16 are:

Beverly Wampfler Howe  
261 North Pennsylvania Avenue  
Casper, Wyoming 82601

-and-

1014 22nd Avenue  
Melrose Park, Illinois 60164

Board of Nursing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, Wisconsin 53708

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708

A hearing was held in the above-captioned matter. The respondent, Beverly Wampfler Howe, appeared personally without legal counsel. The complainant appeared by Attorney Michael J. Berndt, Department of Regulation and Licensing, Division of Enforcement.

Based upon the record herein, the examiner recommends that the Board of Nursing adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Beverly Wampfler Howe, hereinafter referred to as respondent, was at all times material to this proceeding duly licensed under the provisions of Chapter 441, Wisconsin Statutes, to practice as a registered nurse in the State of Wisconsin, pursuant to license #29136.

2. On May 24, 1982, the respondent's license to practice professional nursing in the State of Idaho was suspended indefinitely by the Idaho Board of Nursing. This action was based upon respondent's voluntary surrender of licensure, as well as the Idaho Board of Nursing's consideration of an "Amended Petition for Indefinite Suspension of License" which set forth

allegations concerning respondent's habitual use of alcoholic beverages and her physical or mental lack of fitness to practice nursing. Copies of the Order of the Idaho Board of Nursing and the "Amended Petition for Indefinite Suspension of License" are attached hereto and incorporated herein.

3. The May 24, 1982 order of the Idaho Board of Nursing further provided that respondent could request reinstatement of her professional nurse license upon the submission of the following information:

- A. Abstinence from the use of alcohol for a period of at least nine (9) consecutive months, and
- B. Treatment and favorable prognosis, such information to be received from a qualified professional.

4. Respondent testified in this proceeding before the Wisconsin Board of Nursing, that she had participated in inpatient treatment for alcohol and drug abuse at the Sojourn House in Freeport, Illinois in approximately July, 1982. Subsequently she claims to have received outpatient treatment, along with participation in alcoholics anonymous, from about August, 1982 through April, 1983. Respondent produced no documents to substantiate her treatment.

5. Respondent applied for reinstatement of her Idaho license in 1984. By correspondence under date of November 1, 1984, the Idaho Board of Nursing notified respondent that her application for licensure reinstatement had been denied. The correspondence indicated that the denial was based upon respondent's failure to supply necessary information and, again, set forth requirements which respondent needed to fulfill in order for a future reinstatement request to be considered. A copy of this correspondence is attached hereto and incorporated herein.

6. On or about August 13, 1985, Respondent was examined by Samuel A. Libert, M.D., of Forest Park, Illinois. A copy of Dr. Libert's correspondence regarding his assessment is attached hereto and incorporated herein.

7. There is no evidence as to what, if any treatment respondent has sought since August 13, 1985. Her license has not been reinstated by the Idaho Board of Nursing.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to Wis. Stats. sec. 441.07.

2. Respondent's having had her license to practice professional nursing indefinitely suspended by the State of Idaho Board of Nursing constitutes moral delinquency and unprofessional conduct for the purposes of N 11.03(3)(d) and N 11.04(1), Wis. Adm. Code (1980).

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Beverly Wampfler Howe to practice as a registered nurse in the State of Wisconsin shall be, and hereby is, indefinitely suspended.

IT IS FURTHER ORDERED that in the event Beverly Wampfler Howe requests reinstatement of her license to practice as a registered nurse in the State of Wisconsin, she must produce information and documentation to the satisfaction of the Board that she is physically and mentally fit to practice as a registered nurse.

IT IS FURTHER ORDERED that in the event the Board of Nursing grants the reinstatement of the license of Beverly Wampfler Howe, the Board may place such terms, conditions, and limitations upon such license as deemed necessary, in the discretion of the Board of Nursing, in order to protect the public.

#### OPINION

The license of Beverly Wampfler Howe to practice professional nursing in the State of Idaho was indefinitely suspended by that state's licensing authority on May 24, 1982. The basis for the suspension was her habitual use of alcoholic beverages. The order rendered by the Idaho Board of Nursing set forth certain conditions which Ms. Howe would need to meet in order to qualify for reinstatement. The record in this case indicates that she has never met those requirements to the satisfaction of the Idaho Board.

Since Ms. Howe's suspension in Idaho, she claims to have undergone a month of inpatient treatment for alcoholism in July, 1982 and, thereafter to have participated in outpatient programs through April, 1983. She did not introduce documentary evidence to substantiate these claims, or even assuming she did participate in such programs, that she did so successfully.

With reference to the foregoing testimony concerning Ms. Howe's claimed treatment, it should be noted that Ms. Howe did apply for reinstatement in Idaho in 1984. It seems reasonable to assume that the Idaho Board may have had before it similar, if not the same evidence of rehabilitation as presented in this proceeding. The Idaho Board denied Ms. Howe's request by correspondence dated November 1, 1984, based at least in part upon a lack of sufficient evidence of continued abstinence from alcohol and written reports from a qualified drug-alcohol counselor.

In this proceeding, likewise, there exists no documentation to substantiate the claims of successful treatment by Ms. Howe. Such documentation is absolutely necessary in cases such as this where the respondent has suffered from an impairment. Although Ms. Howe did submit correspondence from Samuel A. Libert, M.D., one can only say that such information constitutes only a small piece of the information which the board would need in order to make a finding that Ms. Howe is currently competent to practice nursing in a manner consistent with the public interest.

The primary issue in this proceeding is the appropriate disciplinary action which should be taken in this matter. If, in fact, Ms. Howe can produce evidence sufficient to indicate that she has undergone a successful treatment program, it would be appropriate for the Board to consider her as a candidate for its program of conditions and limitations for impaired practitioners. If Ms. Howe does not come forward with such documentation,

she will not regain licensure in this state. Simply stated, the recommended discipline permits Ms. Howe to ask for reinstatement which may be granted in the Board's discretion, if she indeed has sufficient evidence of rehabilitation, otherwise she will remain under suspension in this state.

Dated at Madison, Wisconsin this 28<sup>th</sup> day of April, 1986.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel  
Hearing Examiner

DR:ma  
5151

BEFORE THE BOARD OF NURSING, STATE OF IDAHO

In the Matter of )

Beverly A. Wampfler )  
HOWE )

License No. N-9091 )

ORDER INDEFINITELY  
SUSPENDING LICENSE

The Petition for Indefinite Suspension of License in the above entitled matter being submitted to the Board of Nursing, State of Idaho, and the matters therein being fully considered by the Board of Nursing, and there appearing good case therefore:

IT IS HEREBY ORDERED, that the professional nurse license of Beverly A. Wampfler Howe, number N-9091, be and it hereby is indefinitely suspended, based upon voluntary surrender, subject to Subsequent Review under 54-1412 (c), IDAHO CODE.

IT IS FURTHER ORDERED, that should Beverly A. Howe request reinstatement of her professional nurse license, she be required to present evidence and submit information confirming:

1. abstinence from the use of alcohol for a period of at least nine (9) consecutive months, and
2. treatment and favorable prognosis, such information to be received from a qualified professional.

DATED THIS May 24, 1982

*Greg L. Laffin C.N.*  
\_\_\_\_\_  
Vice-President  
Idaho Board of Nursing

BEFORE THE BOARD OF NURSING, STATE OF IDAHO

In the Matter of )  
Beverly A. Wampfler )  
HOWE )

License No. N-9091 )

AMENDED PETITION  
FOR  
INDEFINITE SUSPENSION  
OF LICENSE

COMES NOW, Petitioner, Phyllis T. Sheridan, R.N., Executive Director of the Idaho Board of Nursing, and petitions this Board to indefinitely suspend the license of Beverly A. Wampfler Howe to practice nursing in the State of Idaho. This Petition and these proceedings are instituted upon the following grounds:

That the licensee violated standards of conduct, habitually uses alcoholic beverages and is physically or mentally unfit to practice nursing by reason of the following actions:

That the licensee, on or about October 29-30, 1976, while employed at St. Luke's Hospital, Boise, Idaho, appeared on duty under the influence of alcohol; and

That the licensee, on or about September 30, 1980, appeared on duty at Boise Convalescent Center, Boise, Idaho, under the influence of alcohol; and

That the licensee requested a hearing in response to the Petition for Revocation or Suspension of License that was sent by Certified Mail on December 8, 1980, and that was signed for and received by the licensee on December 12, 1980; and

That hearings were scheduled on two occasions - February 12, 1981, and February 19, 1981, and were vacated; and

That the licensee signed a Stipulation Order on June 4, 1981, and voluntarily surrendered her professional nurse license, N-9091, which expired August 31, 1981, to the



Board's designated Hearing Officer, Paul Boyd; and

That Mr. Boyd issued a Certificate of Closing on  
January 18, 1982; and

That Beverly A. Howe and her attorney, Dennis J.  
Sallaz, were notified by letter on February 22, 1982,  
that action would be taken at the May 24-26, 1982  
Board of Nursing meeting for Indefinite Suspension of  
License based upon voluntary surrender.

The undersigned, Phyllis T. Sheridan, believes that the  
described conduct of the licensee is in violation of Section  
54-1412, (a), (5), (6), and (7), IDAHO CODE and Board of Nurs-  
ing Rules and Regulations: Title 02., Chapter D., Section 11.,  
g., h., i(ix)., and Title 04., Chapter A., Section 1., n.

DATED THIS 8th day of April, 1982.

*Phyllis T. Sheridan*  
\_\_\_\_\_  
PHYLLIS T. SHERIDAN, R.N.  
Executive Director  
Idaho Board of Nursing

State of Idaho  
**Board of Nursing**

Phyllis T. Sheridan, R.N.  
Executive Director

Leola Daniels, R.N.  
Associate Executive Director

November 1, 1984

Beverly Howe  
261 North Pennsylvania Avenue  
Casper, Wyoming 82601

Dear Ms. Howe:

During their October 29, 1984 meeting, the Board of Nursing members reviewed your licensure reinstatement application and the report of the interview with the Wyoming Board of Nursing staff.

Following the review, and after considerable discussion, the Board members took action to deny reinstatement of professional nurse licensure at this time based upon lack of:

1. evidence of continued abstinence from alcohol.
2. reports of continued counseling or progress reports from a qualified counselor.
3. recent employer evaluations or references (The Board office sent reference requests to employers listed on your application but no references were received).
4. sufficient verification to support documentation of rehabilitation as evidenced by statements received directly from qualified professional people who have personal knowledge of you. (Title 02., Chapter D., Section 18. b.v.)

The Board members further stated that you be required to submit the following information if you request licensure reinstatement in the future:

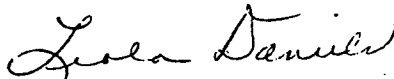
1. documentation of continued sobriety to include regular attendance at Alcoholics Anonymous meetings or other appropriate support groups.
2. a psychiatric evaluation by a qualified professional person.

Howe - 2  
November 1, 1984

3. an evaluation by a qualified counselor associated with a recognized drug-alcohol treatment program.
4. recent work references, to be received in the Board office directly from employers.

If you have questions concerning the Board's decision, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Leola Daniels".

LEOLA DANIELS, R.N.  
Associate Executive Director

LD:lhc

SAMUEL A. LIBERT, M.D.

8311 West Roosevelt Road  
Forest Park, Illinois 60130

Telephone: 848-3880

September 11, 1985

Mr. James P. Krudwig  
Investigator  
Division of Enforcement  
P.O. Box 8936  
Madison, WI 53708

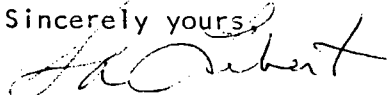
Dear Mr. Krudwig: Re: Beverly Howe

In reply to your letter of August 26, 1985, I saw Mrs. Howe on August 13, 1985. At the time of the examination, she had no hallucinations or delusions. There were no deficits as to judgment, orientation to time, place and person. There were no deficits as to historical and recent memory or immediate recall. She seemed to be of average intelligence. Her affect was appropriate for the interview. There were no perceptual abnormalities that could be determined.

A review of her work history and concomitant problems relating to her loss of R.N. licensure speaks for itself.

If I can be of any further service, please let me know.

Sincerely yours,



Samuel A. Libert, M.D.

SAL/f1

EXHIBIT D  
9/20/85 DRR