

## 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 :

JOHN E. STOKER, R.N., :  
RESPONDENT. :

FINAL DECISION  
AND ORDER

ORDER 0001825  
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The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

John E. Stoker, R.N.  
3125 South 48th Street #2  
Milwaukee, WI 53219

Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

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. 227.49. The petition in this instance would be captioned with John E. Stoker 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. 227.53. The party to be named as Respondent in the petition is the State of Wisconsin 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. John E. Stoker, R.N. (D.O.B. March 30, 1959) is duly licensed as a reg. nurse in the State of Wisconsin (license #83273); this license was issued on September 23, 1983.

2. In approximately December, 1985 and continuing through April 15, 1986, Mr. Stoker diverted quantities of Percodan (Oxycodone Hydrochloride) and Demerol (Meperidine Hydrochloride) from his employer, St. Luke's Hospital in Milwaukee, Wisconsin.

3. On April 18, 1986, Mr. Stoker commenced inpatient treatment for chemical dependency at DePaul Rehabilitation Hospital. He completed inpatient treatment on May 16, 1986, received treatment through halfway house residence from May 16, 1986 to June 30, 1986, and continues to receive outpatient treatment through DePaul's Impaired Professionals Program.

#### CONCLUSIONS OF LAW

By the conduct described above, Mr. Stoker is subject to disciplinary action against his license pursuant to Wis. Stats. secs. 441.07(1)(c) and (d) and Wis. Adm. Code sec. N 7.03(2) and N 7.04(2) and (15).

Therefore, it is hereby ORDERED:

(a) The license of Mr. Stoker 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. Stoker may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon Mr. Stoker's acceptable demonstration of compliance with the conditions and limitations imposed on Mr. Stoker's practice during the prior three (3) month period.

ii. If the Board denies the petition by Mr. Stoker for an extension, the Board shall afford Mr. Stoker an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 and upon timely receipt of a request for hearing.

iii. Upon successful compliance for a period of two (2) years with the terms of paragraph (b), below, the Board shall grant a petition by Mr. Stoker for a return of full licensure.

iv. In consideration of Mr. Stoker's regime of treatment commencing on April 18, 1986, the Board reduces the two (2) year compliance period by \_\_\_\_\_ months.

#### (b) CONDITIONS OF STAY.

i. Mr. Stoker must remain in a program acceptable to the Board for the treatment of chemical dependency. As a part of his treatment, Mr. Stoker must attend therapy on a schedule that is recommended by his therapist; attendance, however, shall be required at least one (1) time every three (3) months. In addition, Mr. Stoker must attend Alcoholics Anonymous or Narcotics Anonymous at least two (2) times per week.

ii. Upon request of the Board, Mr. Stoker must provide the Board with current releases complying with state and federal laws, authorizing release of his counseling, treatment and monitoring records.

iii. Mr. Stoker must remain free of alcohol and controlled substances not prescribed for a valid medical purpose during the period of limitation.

iv. Mr. Stoker must participate in a program of random, witnessed monitoring, on the basis of at least four (4) times per month for controlled substances and alcohol in his blood and/or urine. If the therapist supervising Mr. Stoker's plan of care or his employer deems that additional blood or urine screens are warranted, Mr. Stoker must submit to those screens.

Mr. Stoker 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 failures to participate as: if Mr. Stoker fails to appear upon request; or if a drug or alcohol screen proves positive; or if Mr. Stoker refuses to give a specimen for analysis upon a request authorized under the terms of this order.

v. Mr. Stoker 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; and from his counselor evaluating his attendance and progress in therapy as well as evaluating his level of participation at AA/NA meetings. The employer reports for Mr. Stoker shall include a description of any access to controlled substances by Mr. Stoker.

vi. Mr. Stoker shall report to the Board within five (5) days of any change in his employment status.

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

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

(e) This order shall become effective ten (10) days following the date of its signing.

BOARD OF NURSING

By: Suzanne Schuler  
A Member of the Board (PS)

11-24-86  
Date

SMG:rjt  
759-902

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF	:	
	:	STIPULATION
JOHN STOKER, R.N.,	:	
RESPONDENT.	:	

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

1. This Stipulation is entered into as a result of a pending investigation of Mr. Stoker's licensure by the Division of Enforcement (86 NURSE 71). Mr. Stoker consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Stoker understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time 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 applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Stoker agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

4. If the terms of this 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 proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. Attached to this Stipulation is the current licensure card of Mr. Stoker. If the Board accepts the Stipulation, Mr. Stoker's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Mr. Stoker shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. Also attached to this Stipulation are copies of Mr. Stoker's health care records for review by the Board in conjunction with their consideration of the attached Final Decision and Order.

8. The Division of Enforcement joins Mr. Stoker in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

John E. Stoker RN  
John Stoker, R.N.

10/6/86  
Date

Steven M. Gloe  
Steven M. Gloe, Attorney  
Division of Enforcement

10/8/86  
Date

SMG:kcb  
374-353

