

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : ORDER MODIFYING  
: THE LIMITED LICENSE  
JACK ROBERT HERKOWSKI, R.N., :  
RESPONDENT. :  
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By its Order dated February 18, 1987, respondent was granted a limited license to practice as a registered nurse in Wisconsin. Included among the conditions and limitations were that respondent attend weekly therapy sessions with a therapist satisfactory to the board, and that he be monitored for controlled substances and alcohol on a weekly basis.

By letter dated April 23, 1987, respondent petitioned the board to reduce therapy sessions to once every two weeks, and to reduce random urine screens to once every two weeks. DePaul Rehabilitation Hospital Impaired Physicians Program also recommended these modifications. The board considered the matter at its meeting of May 14, 1987, and granted the petition by Order dated May 28, 1987.

Prior to the board's meeting of July 16-17, 1987, respondent orally petitioned the board for a further modification of his limited license to excuse him from the requirement of quarterly written reports from his employer setting forth respondent's activities and performance in his employment. The basis for the request is that respondent is presently employed in a non-nursing setting. The board considered the petition at the July 16-17, 1987, meeting.

Based upon respondent's petition, and upon the various documents of record herein, the board modifies its order of May 28, 1987, to read as follows:

NOW, THEREFORE, IT IS ORDERED that Jack Robert Herkowski, R.N., be and hereby is, granted a limited license to practice as a professional nurse in Wisconsin imposing the following terms and conditions:

1. The term of the limited license shall be for three months. Respondent may apply for consecutive three-month renewals of his limited license, which shall be granted upon respondent's acceptable demonstration of compliance with the conditions and limitations set forth herein.
2. Upon successful compliance with the terms and conditions set forth herein for a period of two years, commencing March 1, 1986, the board shall grant a petition by respondent for full licensure.
3. Respondent shall for the term of the limited license participate in the DePaul Rehabilitation Hospital's Impaired Professional Program, and shall as well participate in twice monthly therapy with a therapist satisfactory to the board. Respondent shall be responsible for submission to the board on a quarterly basis of written reports prepared by his treating therapist outlining respondent's progress in treatment and confirming his continuing ability to safely practice as a registered nurse.

4. Respondent shall not consume any unprescribed controlled substances and shall abstain from any and all personal use of alcohol.

5. Respondent shall participate in a program of random and witnessed monitoring of his blood or urine for the presence of controlled substances and alcohol. Monitoring shall take place once every two weeks. To be an acceptable program, the monitoring facility must agree to file an immediate report with the Board of Nursing in the event that respondent fails to appear upon request, the monitoring screen proves positive, or the respondent refuses to provide a specimen. In the event of a positive screen, the monitoring facility must agree to retain the specimen for provision to the board.

6. Respondent shall be responsible for submission to the board of quarterly written reports setting forth respondent's status in the monitoring program.

7. Respondent shall not be employed in a position where he is granted access to controlled substances.

8. When employed in a nursing setting, respondent shall be responsible for submission to the board of quarterly written reports from his employer setting forth respondent's activities and performance in his employment.

9. Respondent shall attend A.A. meetings a minimum of once each week.

10. Upon request of the board, respondent shall provide current releases to any affected treatment facilities and personnel complying with state and federal laws, authorizing release of all his medical and treatment records to the Board of Nursing. Copies of said releases shall be filed simultaneously with the Board.

11. Violation of any of the terms or limitations may result in summary suspension of respondent's limited license and/or the imposition of further discipline as the board may deem appropriate.

Dated at Madison, Wisconsin, this 4<sup>th</sup> day of August, 1987.

STATE OF WISCONSIN  
BOARD OF NURSING

By Mary Ann Clark, L.N.  
A Member Of The Board mm

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