

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 THE DISCIPLINARY
PROCEEDINGS AGAINST

DARRELL DEAN HOWARD, R.N.,
RESPONDENT

FINAL DECISION AND ORDER

ORDER 0001779

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Darrell Dean Howard
2800 Berkan Street
Madison, WI 53711

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Darrell Dean Howard (D.O.B. 02/02/47) is duly licensed in the state of Wisconsin as a registered nurse (license # 70466). This license was first granted on June 23, 1978.
2. Mr. Howard's latest address on file with the Department of Regulation and Licensing is 2800 Berkan Street, Madison, WI 53711.
3. On exact dates unknown, but beginning by at least September, 1988 and continuing on through March 28, 1989, Mr. Howard illicitly obtained for his personal use quantities of Demerol, Darvon and Morphine from his employer, Meriter Hospital, Inc., 202 South Park Street, Madison, Wisconsin.
4. On September 18, 1985, The Wisconsin Board of Nursing issued an order imposing conditions upon Mr. Howard's license, based upon discipline against Mr. Howard in California for diversion of controlled substances. Attached (and incorporated by reference) to this order is a true and correct copy of the 1985 order of the Board.

CONCLUSIONS OF LAW

By the conduct described above, Darrell Dean Howard is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N7.03(2) and 7.04(1),(2) and (15).

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Darrell Dean Howard shall be SUSPENDED for a period of not less than TWO (2) years.

(a) IT IS FURTHER ORDERED that 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. Darrell Dean Howard may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Mr. Howard's practice during the prior three (3) month period.

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

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

iv. In consideration of Mr. Howard's regime of treatment beginning on March 28, 1989, the Board reduces the two (2) year compliance period by 11 months.

(b) CONDITIONS OF STAY

i. Mr. Howard must remain in a program acceptable to the Board for the treatment of alcohol and chemical dependency. As a part of treatment, Mr. Howard must attend therapy on a schedule as recommended by his therapist; attendance, however, shall be required at least one (1) time per month. In addition, Mr. Howard must attend Alcoholics or Narcotics Anonymous at least one (1) time(s) per week.

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

iii. Mr. Howard shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Mr. Howard must participate in a program of random witnessed

monitoring for controlled substances and alcohol in his blood and/or urine on a frequency of not less than four (4) times per month. If the physician or therapist supervising his plan of care or his employer deems that additional blood or urine screens are warranted, Mr. Howard shall submit to such additional 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 shall agree to provide random and witnessed gatherings of specimens for evaluation. It shall further agree to file an immediate report directly with the Board of Nursing upon such failures 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 a request authorized under the terms of this Order.

v. Mr. Howard shall limit his access and handling of controlled substances in his work setting until such time as the handling of such medications is approved by the Board.

vi. Mr. Howard shall arrange for quarterly reports to the Board of Nursing from his employer evaluating his work performance; from the monitoring facility providing the dates and results of the screenings performed; and from the counselor evaluating Mr. Howard's attendance and progress in therapy as well as evaluating his level of participation at NA/AA meetings.

vii. Mr. Howard shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Mr. Howard 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 a summary suspension of Mr. Howard's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; 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: Jacqueline Johnson
A Member of the Board (M)

Date 3/27/90

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DARRELL DEAN HOWARD, R.N.,	:	
RESPONDENT	:	

It is hereby stipulated between Darrell Dean Howard, 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. Howard's licensure by the Division of Enforcement (89 NUR 076). Mr. Howard consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Howard 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. Howard 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. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. Attached to this Stipulation is the current licensure card of Mr.

Howard. If the Board accepts the Stipulation, Mr. Howard'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. Howard shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

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

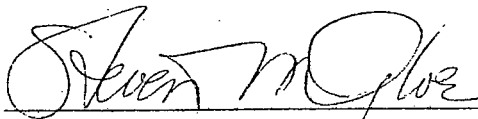
9. The Division of Enforcement joins Mr. Howard in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.



Darrell Dean Howard, R.N.

3/16/90

Date



Steven M. Gloe, Attorney
Division of Enforcement

3/27/90

Date

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is March 29, 1990.

WLD:dms
886-490



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

March 28, 1990

1400 E. WASHINGTON AVENUE
P.O. Box 8935
MADISON, WISCONSIN 53708
608 266-2112

Darrell D. Howard
2800 Berkan Street
Madison, WI 53711

RE: In the Matter of Disciplinary Proceedings Against Darrell D. Howard

Dear Mr. Howard:

On March 27, 1990, the Wisconsin Board of Nursing took action to adopt the enclosed Final Decision and Order in the above matter.

It is your responsibility under the Order to insure that reports are submitted by your therapist and work supervisor by the following dates:

June 15, 1990, September 15, 1990, December 15, 1990, March 15, 1991,
April 15, 1991

If the reports are not received in the Bureau office on the due date, you will not receive a renewed limited license and you will be ineligible to practice. In addition, if you do not request extension of the stay of suspension as outlined in the Order, the stay will terminate and the suspension will go into effect. You must request extension of the stay in writing at least two weeks before the three-month stay expires.

Please sign the enclosed Consent for Release of Information forms, give one copy to your therapist, keep one copy for your records, and return one copy along with your current license to the Bureau of Health Service Professions immediately. Upon receipt of the consent form and your current license, a license marked limited will be sent to you. Failure to sign and return the release forms to the Bureau would be considered a violation of the Board order.

Enclosed are the Work Supervisor Report forms that you are to provide for your work supervisor. These must be completed by your work supervisor and submitted by the dates indicated above.

If you have any questions, please contact me, at (608) 266-0072.

Sincerely,

Thomas A. Neumann, R.N., M.S.N.
Administrative Officer
Bureau of Health Service Professions

cc: Steven Gloe

Enclosures

Regulatory Boards

T-16286 Accounting, Architects, Professional Engineers, Designers and Land Surveyors, Barbers, Bingo, Boxing, Charitable Organizations, Chiropractic, Cosmetology, Dentistry, Funeral Directors, Hearing Aid Dealers and Fitters, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Private Detectives, Psychology, Real Estate, and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

March 28, 1990

Philip Caravello, CADC III
Newstart
1015 Gammon Lane
Madison, WI 53719

RE: In the Matter of the Disciplinary Proceedings
Against Darrell D. Howard

Dear Mr. Caravello:

The Wisconsin Board of Nursing has directed to us to inform Darrell Howard's therapist of the recent disciplinary action it has taken against his license. This information is intended to facilitate understanding of the required reports and the frequency of reports Mr. Howard is required to have submitted on his behalf.

On March 27, 1990, the Wisconsin Board of Nursing took action to adopt the Final Decision and Order in the above matter.

One of the conditions of the Board action is that Mr. Howard is required to have submitted on his behalf quarterly reports as to his progress in therapy. Enclosed are copies of the Therapy Report Form. Please complete and return to the Bureau of Health Service Professions office a Therapy Report Form on the dates listed on the report forms.

If the laboratory reports a positive screen, please increase surveillance, through more frequent therapy contacts and/or drug screens, until the screen is either confirmed as positive or found to be a false positive. Please contact the Bureau of Health Service Professions immediately if a positive screen is reported. If the licensee leaves therapy for any reason, please notify the Bureau immediately. The last report should include a copy of the discharge summary and client's prognosis.

Please note, if a report is not received in the Bureau of Health Service Professions office by the date due, I am required to refer the matter to the Division of Enforcement for further review.

If you have any questions concerning the above, please contact me at (608) 266-0072.

Sincerely,

Thomas A. Neumann, R.N., M.S.N.
Administrative Officer
Bureau of Health Service Professions

T-16286

Copy: Darrell Howard



PDF: DE00000000507-19900327

Order Dates:

MAR 27, 1990

Respondent Names:

HOWARD, DARRELL DEAN, R.N.

Complaint IDs:

89NUR076

Profession:

REGISTERED NURSE

Boards:

NUR

Short Description:

SUSPENDED 2 YEARS; STAYED 3 MONTHS UPON COMPLIANCE WITH CONDITIONS AND LIMITATIONS EFF 04/06/90.

Case Summary:

SEPTEMBER, 1988 THROUGH MARCH 28, 1989, ILLICITLY OBTAINED FOR HIS PERSONAL USE QUANTITIES OF DEMEROL, DARVON AND MORPHINE FROM HIS EMPLOYER, MERITER HOSPITAL. SEPTEMBER 1985 BOARD OF NURSING ISSUED AN ORDER IMPOSING CONDITIONS UPON LICENSE, BASED UPON DISCIPLINE AGAINST HIM IN CALIFORNIA FOR DIVERSION OF CONTROLLED SUBSTANCES.

