

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DEREK R. NORKOL, R.N., :
RESPONDENT. : **ORDER 0001178**

Division of Enforcement Case No. 11NUR281

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Derek R. Norkol, R.N.
6105 11th Avenue
Kenosha, WI 53140

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Safety and Professional Services
1400 East Washington Avenue
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 of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Derek R. Norkol, R.N., (DOB 09/11/1971) is licensed as a professional nurse in the State of Wisconsin (license no. 118365-30). This license was first granted on November 18, 1994.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 812 6th Avenue E., Superior, WI 54880.

3. On March 28, 2011, while working as a professional nurse at a facility in Duluth, Minnesota, Respondent admitted to his supervisor that he had been diverting oxycodone and hydrocodone for approximately 16 months.

4. On June 2, 2011, the Minnesota Board of Nursing suspended Respondent's license for an indefinite period of time. Respondent has successfully completed in-patient treatment and intensive outpatient therapy at Superior Treatment Center in Superior, Wisconsin. Respondent attends 12-step support group meetings weekly, obtained a sponsor and continues to attend an aftercare treatment program. He has cooperated fully with the Department.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph constitutes a violation of Wisconsin Administrative Code §§ N 7.04(1), (2) and (7) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. The SURRENDER of the license of Derek R. Norkol to practice nursing in the State of Wisconsin is hereby accepted.

2. The SURRENDER of the privilege of Derek R. Norkol to practice nursing in the State of Wisconsin under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. Respondent may petition for reinstatement of his license after undergoing (1) an Alcohol and Other Drug Abuse assessment; and (2) a fitness for duty evaluation, at his own expense.

(a) The individual evaluators must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.

(b) The Division shall provide the evaluators and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent may provide the evaluator with any information Respondent believes will be of assistance in performing the

evaluations and shall immediately provide copies of that information to the Division.

- (c) Respondent shall authorize the evaluators to provide the Board, or its designee, and the Division with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluating psychologist.
- (d) If the evaluators shows, to the Board's satisfaction, that Respondent has no alcohol or other drug dependency and that she is safe to practice nursing, the Board shall consider Respondent's petition for reinstatement of her license. If the Board reinstates Respondent's license, the Board may limit Respondent's license in any manner it sees fit to address the facts above and any recommendations resulting from the evaluations, including but not limited to direct supervision and quarterly employer work reports.

4. In the event that Respondent re-applies for licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing.

5. In the event that Respondent ever reapplies for any credential in Wisconsin Respondent shall, prior to such application, pay costs of this proceeding in the amount of \$200. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

6. This Order is effective on the date of its signing.

Board of Nursing

By: *Stutchen Lowe*
A Member of the Board

11/3/11
Date