

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR A :  
REGISTERED NURSE LICENSE :

NICHOLAS E. DERKOWSKI, :  
APPLICANT. :

ORDER GRANTING  
LIMITED LICENSE

**ORDER 0006753**

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

Nicholas E. Derkowski  
Appleton, WI 54914

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Wisconsin Board of Nursing (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, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Nicholas E. Derkowski filed an application for a Wisconsin registered nurse license (application number 677354).
2. Applicant resides in Wisconsin.
3. Information received in the application process reflects that Applicant has the following limitations and/or discipline and/or failure to comply with a Board order:

- a. On August 29, 2018, Applicant's Wisconsin licensed practical nursing license was limited by the Board in resolution of Board's Order Granting Limited License (Order) #0005856.
- b. Order #0005856 ordered Applicant's licensed practical nurse license to be limited for a period of at least two (2) years. Order #0005856 placed limitations on the Applicant's license which included enrollment and participation in an approved drug monitoring program, limiting working to settings with no access to controlled substances, providing employers with a copy of the order, and abstaining from personal use of alcohol.
- c. On July 25, 2020, and July 30, 2020, Applicant tested positive for alcohol. Applicant missed nine (9) check-ins and six (6) tests between November 2018 and July 2019.
- d. In August 2019, the Board issued a warning letter for noncompliance, when Applicant failed to comply with the limitations of Order #0005856.
- e. Applicant's compliance has improved since the letter. He has had no additional positive tests and only two (2) missed check-ins and no missed tests.

4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07 and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. The Board may deny or limit the application for a license if Applicant committed a violation of Wis. Stat. § 441.07(1g).
3. By the conduct described in the Findings of Fact, Applicant violated Wis. Admin. Code § N 7.03(1)(g) by engaging in noncompliance with federal, jurisdictional, or reporting requirements including any of the following: (g) Violating any term, provision, or condition of any order of the Board.

#### ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's license are necessary to ensure that he is fit and competent to practice as a registered nurse.
3. Applicant's application for a registered nurse license is granted subject to the following limitations:

- a. Applicant must comply with all of the requirements of Order #0005856.
  - b. The Department shall remove this limitation from Applicant's license when Applicant has petitioned the Board and has satisfied the Board, or its designee, that Applicant has successfully complied with all the requirements of Order #0005856.
4. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, during the pendency of this limitation.
  5. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS' Monitoring Case management System, here:

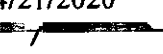
<https://dpsmonitoring.wi.gov>

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

By:   
A Member of the Board

4/21/2020  
Date 

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF APPLICATION FOR  
A REGISTERED NURSE LICENSE

NICHOLAS E. DERKOWSKI,  
APPLICANT.

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STIPULATION

**ORDER 0006753**

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It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application for a registered nurse license.
2. Information received by the Board reflects a basis for denial of the application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a registered nurse license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - the right to request a hearing related to the denial of the application;
  - the right to confront and cross-examine the witnesses against Applicant;
  - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
  - the right to testify on Applicant's own behalf;
  - 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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (Compact) and Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.



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Nicholas E. Derkowski  
Appleton, WI 54914  
Application no. 46T11T677354

3/26/20

\_\_\_\_\_  
Date



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A Member of the Board of Nursing  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

4/21/2020

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Date