

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A
REGISTERED NURSE CREDENTIAL

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:

ORDER GRANTING
LIMITED LICENSE

JOSEPH A. STOMMEL, JR., R.N.,
APPLICANT.

ORDER 0008285

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

Joseph A. Stommel, Jr., R.N.
Juneau, WI 53039

Wisconsin Board of Nursing
Department of Safety and Professional Services
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 resolution of this renewal application. The Wisconsin Board of Nursing (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about January 28, 2022, Joseph A. Stommel, Jr. (Applicant) filed an application to renew a Wisconsin Registered Nurse credential (#172104-30).
2. Applicant resides in Wisconsin.
3. Information received in the application process reflects that the Applicant has the following:
 - A. June 11, 2022 – Operate Firearm While Intoxicated, a misdemeanor conviction.
 - i. Applicant states that on October 24, 2019, he was scheduled to work but took the day off because that date is the anniversary of a traumatic event Applicant endured during his service in the Navy. Applicant states he has PTSD because of multiple events. Applicant states he went to purchase fuel, but also bought a pint of vodka. He consumed the vodka and got into

an argument with his wife. Applicant's wife went for a walk and Applicant shot his gun twice into the ground.

- ii. The criminal complaint states police were dispatched to a report of hearing a loud argument followed by gun shots. Applicant told police he and his wife got into an argument about him drinking, and he was upset, so he fired his gun into the ground twice. Applicant and Applicant's wife told police Applicant suffers from PTSD. Applicant performed poorly on the Standard Field Sobriety Tests (SFST) and blew a Preliminary Breath Test (PBT) of .219. Applicant was placed on probation for one (1) year and ordered to complete psychological treatment.
 - iii. Applicant did not report this conviction to the Department, and says he was unaware he was required to report his conviction.
- B. On or about July 27, 2021 – Operating While Intoxicated (OWI) 1st, an ordinance violation.
- i. Applicant disclosed that he underwent Ketamine treatment for his PTSD. As a result, he suffered dissociative incidents, and alcohol cravings. Applicant states he stopped at a gas station on his way home from work, purchased a pint of vodka, consumed it in his vehicle and then attempted to drive home.
 - ii. The police report states police were dispatched to a report of a car in a ditch and intoxicated driver around 6:30 p.m. Applicant was observed slurring his words, Applicant emitted an odor of intoxicants, and had glassy eyes. When asked where he was coming from, Applicant told police he had been at work in Milwaukee at the VA hospital. Applicant reported getting off work at 5:00. Applicant denied consuming alcohol. Applicant's SFST was indicative of impairment, Applicant blew a PBT of .176, and his Blood Alcohol Concentration (BAC) returned at .192. Applicant admitted consuming multiple medications including Ketamine, Clonazepam, Clonidine, and Mirtazapine. Applicant paid a fine, his driver's license was revoked for six (6) months, he had an Ignition Interlock Device for twelve (12) months, complete an Alcohol and Other Drug Abuse (AODA) assessment, and attended a victim impact panel
- C. On or about July 27, 2021 – Reckless Driving-Endanger Safety, an ordinance violation.
- i. Applicant states this charge was originally an OWI but was reduced to reckless driving. Applicant states this was again the result of PTSD and his trial of Ketamine treatment. Applicant states he stopped at a gas

station on his way home from work, purchased a pint of vodka, consumed it in his vehicle and then attempted to drive home.

- ii. The police report states police were dispatched to a reckless driving complaint at 6:00 p.m. Police located the car from the complaint and Applicant at his residence. Applicant initially denied driving but admitted drinking “a lot.” Police asked where he drank and Applicant said, “at work” and that he worked for the VA in Milwaukee. Police observed a light odor of intoxicants emanating from Applicant, and Applicant’s speech was slightly slurred. Applicant eventually admitted driving, said he should not have been driving, and stated “I’m drunk.” Applicant admitted drinking vodka from 5:00 a.m.-7:00 a.m. until 4:00 p.m.-5:00 p.m. Applicant failed the Horizontal Gaze Nystagmus of the SFST, was unable to complete the remaining SFST, blew a PBT of .271, and Applicant’s BAC returned at .290. Applicant paid a fine.

4. Applicant provided a letter from his medical doctor dated April 7, 2021, which confirms:

- A. Applicant has diagnoses of severe PTSD as well as other mental health diagnoses for which he is seeking and continuing treatment.
- B. Applicant experienced dissociative episodes outside of his Ketamine treatment, Applicant impulsively bought alcohol at the gas station, drank the entire bottle in the parking lot, and drove home.
- C. Applicant voluntarily engaged in in-patient hospitalization for observation and treatment of his dissociative episodes. Applicant has been treated with medications and has not had another dissociative episode since Applicant’s hospitalization.

5. Applicant provided a letter from his psychiatrist dated February 9, 2022, which states:

- A. Applicant underwent a behavioral health assessment and found Applicant does not meet the criteria for alcohol or other substance use disorder.
- B. Applicant is currently in cognitive behavioral therapy for trauma.
- C. Applicant’s behavioral health assessment diagnosed Applicant with PTSD and Major Depressive Disorder, “Recurrent, Moderate.
- D. Applicant is recommended to undergo individual psychotherapy, attend groups for support, and follow psychiatrist recommendations.

E. With the recommendations, Applicant is fit to perform the duties and tasks assigned as a Registered Nurse.

6. Department records demonstrate no evidence that Applicant reported his conviction to the Board of Nursing within forty-eight (48) hours of the entry of the judgment of conviction.

7. 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. § 441.06 and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

2. Pursuant to Wis. Stat. § 440.08(4), the Board may deny a renewal if it is necessary to protect the public health, safety, or welfare.

3. By the conduct described in the Findings of Fact, limitations on Applicant's license are necessary to protect the public health, safety, or welfare, pursuant to Wis. Stat. § 440.08(4).

4. Pursuant to Wis. Stat. §§ 441.07(1g)(b), and (d), a Licensed Practical Nurse may be denied for unprofessional conduct for unprofessional conduct or acts which show the nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs, or mental incompetency.

5. By the conduct described in the Finding of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b) and (d), and Wis. Admin. Code § 7.03(6)(g), Applicant is unable to practice safely by reason of psychological impairment or mental disorder.

6. Pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse for one or more violations of this subchapter or any rule adopted by the Board under the authority of this subchapter, or for misconduct or unprofessional conduct.

7. Applicant violated Wis. Stat. §§ 440.03(13)(am), 441.07(1g)(b) and 441.07(1g)(d), and Wis. Admin. Code § SPS 4.09(2) and § N 7.03(1)(h), by failing to report his Operate Firearm While Intoxicated conviction to the Board within forty-eight (48) hours of the entry of the judgment of conviction.

8. As a result of the above, Applicant is subject to limitations on his license pursuant to Wis. Stat. §§ 440.08(4), 440.03(13)(am), 441.07(1g)(b), and 441.07(1g)(d), and Wis. Admin. Code §§ SPS 4.09(2), N 7.03(1)(h), and N 7.03(6)(g).

ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's Registered Nurse credential are necessary to ensure that he is fit and competent to practice as a Registered Nurse.

3. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and his privilege to practice pursuant to the Nurse Licensure Compact (Compact), is LIMITED as follows:

A. For a period of at least two (2) years from the date of this Order:

i. Applicant shall provide Applicant's nursing employer with a copy of this Order before engaging in, or continuing to engage in, any nursing employment. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

ii. It is Applicant's responsibility to arrange for his professional nursing supervisor(s) to provide work reports to the Department Monitor on a quarterly basis, beginning ninety (90) days from the date of this Order. These reports shall describe the Applicant's activities, including:

1. Applicant's interactions with coworkers and patients and verify that Applicant is in compliance with the laws governing the practice of minimal standards of acceptable and prevailing nursing practice with reasonable skill and safety.

iii. Within thirty (30) days of the date of this order, Applicant shall provide proof to the Department Monitor that Applicant is seeking or continuing mental health treatment with a psychiatrist (Treater), whose credential is in good standing, and approved by the Board. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.

1. Applicant shall immediately provide Treater with a copy of the Order and all subsequent orders.

2. Applicant's treatment shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once a month.

3. Applicant shall undergo treatment to address emotional/psychological symptoms that persist from PTSD and depression.

4. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification, including a recommendation from Treater expressly approving termination of therapy.
 5. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.
 6. If the Board or its designee determines the Treater has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Applicant continue treatment under the direction of another Treater.
- iv. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, beginning ninety (90) days from the date of this Order. These reports shall assess:
 1. Applicant's progress in treating his emotional/psychological symptom and his PTSD.
 - v. Within ninety (90) days of the date of this Order, Applicant shall complete an anger management course pre-approved by the Board. Course preapproval shall be obtained through the Department Monitor. Within thirty (30) days of completion of the anger management course, Applicant shall submit:
 1. proof satisfactory to the Board verifying Applicant's successful course completion, and
 2. a statement to the Board addressing what he learned from anger management and explain how he would handle future confrontations.
 - vi. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.
 - vii. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

viii. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.

4. Applicant may petition the Board for full, unrestricted licensure upon demonstration of continuous, successful compliance with the terms of the Order for at least two (2) years, including at least 600 hours of active nursing practice for the year. "Practice in compliance" includes the submission of reports, the content of which are satisfactory to the Board.

5. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, while his license is encumbered by any limitation or restriction imposed by this Order.

6. 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

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. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN BOARD OF NURSING

By: Dr. Janice Edelstein, R.N., ALC
A Member of the Board

12/05/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A
REGISTERED NURSE CREDENTIAL

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STIPULATION

JOSEPH A. STOMMEL, JR., R.N.,
APPLICANT.

ORDER 0008285

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

1. Applicant filed an application to renew a Registered Nurse license.
2. Information received by the Board reflects a basis for denial of licensure.
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.

Joseph A. Stommel, Jr. R.N.

Joseph A. Stommel, Jr., R.N.
Juneau, WI 53039
License no. 172104-30

11/29/2022

Date

Dr. Janice Edelstein, R.N. /ALC

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

12/05/2022

Date