

# 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 THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
LINDSAY J. GRUBBA, R.N., : LS0911171NUR  
RESPONDENT. :

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[Division of Enforcement Case # 08 NUR 213]

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

Lindsay J. Grubba, R.N.  
1140 Weather Ridge Rd, Apt 3  
Chippewa Falls, WI 54729

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

This disciplinary proceeding was commenced by the filing and service of a Complaint and Notice of Hearing on November 17, 2009. 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 this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lindsay J. Grubba, R.N., Respondent, date of birth August 23, 1978, is licensed by the Wisconsin Board of Nursing as a registered nurse (RN) in the state of Wisconsin pursuant to license number 146525, which was first granted February 5, 2004.

2. Respondent's last address reported to the Department of Regulation and Licensing is 9854 171<sup>st</sup> Street, Chippewa Falls, WI 54729. On November 24, 2009, a mailing sent to that address was returned to the Division by the U.S. Postal Service with a forwarding address of 1140 Weather Ridge Rd, Apt 3, Chippewa Falls, WI 54729, which the Division believes to be Respondent's present address.

3. From May 12, 2008 until her employment was terminated on June 10, 2008, Respondent was employed as an RN in the emergency room (ER) at St. Joseph's Hospital in Chippewa Falls, Wisconsin.

COUNT I

4. On June 2 and 3, 2008, Respondent forged the name of another RN to false entries Respondent made in records of Patient SJ and in the narcotic administration records, which indicated that the patient had been given injections of mg of Demerol, a Schedule II controlled substance, each day. Demerol had not been ordered for the patient and no one gave

Demerol to the patient, but the Demerol was missing. Respondent diverted the Demerol for her own use.

5. On June 2, Respondent made a false entry in the record of Patient LH and in the narcotic administration record which indicated that Respondent had withdrawn Demerol for that patient and administered it to the patient. Demerol had not been ordered for the patient and Respondent had not given the Demerol to the patient, but the Demerol was missing. Respondent diverted the Demerol for her own use.

6. On June 4, an investigation was commenced by the hospital and Respondent denied doing anything inappropriate. Respondent agreed to take a random drug test and she was suspended from employment with pay pending further investigation. Further investigation discovered discrepancies and inconsistencies in Respondent's charting of Demerol in the charts of additional patients in the ER during the previous week. The hospital terminated Respondent's employment on June 10, 2008.

## COUNT II

7. Respondent's diversion of Demerol was reported to the Chippewa Falls Police Department and Respondent was interviewed by the police on June 17, 2008. During the interview, Respondent admitted to taking Demerol on several occasions and to forging another RN's name on the narcotic administration record for Patient SJ.

8. On September 2, 2008, as a result of her conduct, Respondent was charged in Chippewa County Wisconsin Circuit Court case number 2008CF000344 with a total of 34 felony and misdemeanor counts including: Possession of Narcotic Drug, Forgery and Forgery-Uttering, Fraudulent Writings/By Forgery, Misappropriate ID Info-Obtain Money, Theft-Movable Property <=\$2500, and Possess/Illegally Obtained Prescription.

9. On March 25, 2009, Respondent entered into a plea agreement by which she: 1) pled guilty to and was convicted of four misdemeanor counts of Possess/Illegally Obtained Prescription, in violation of Wis. Stat. § 450.11(7)(h) and misdemeanor count of Theft-Movable Property <=\$2500, in violation of Wis. Stat. § 943.21(1)(a); 2) entered into deferred prosecution agreements on two felonies; and 3) the remaining charges were dismissed, but read into the record for sentencing purposes.

10. The crimes which Respondent was convicted of violating are all laws substantially related to practice under Respondent's license.

## COUNT III

11. Respondent was licensed as a registered nurse in Florida on August 2, 2006 and was practicing there when she admitted to her employer that she had diverted hydromorphone (brand name Dilaudid), a Schedule II controlled substance. In the employer's direction, on October 2, 2006, Respondent contacted the Florida Intervention Project for Nurses (IPN), which is the impaired practitioners program for the Florida Board of Nursing.

12. Prior to being allowed into IPN, on October 15, 2006, Respondent was evaluated by a board-certified physician in addiction medicine. During the evaluation, Respondent admitted to diverting Dilaudid from her employer from the waste receptacles. Respondent was diagnosed with opioid dependency, early sustained remission and major depression, recurrent and in partial remission. Recommendations included:

- a. Continued treatment with her psychiatrist and complete an intensive outpatient program.
- b. Complete a five-year monitoring contract with IPN.
- c. Attend three Twelve Step meetings per week.
- d. Attend one IPN meeting per week.
- e. Complete random drug screens under IPN.
- f. Have a narcotics key restriction during her employment for one year.

13. On November 14, 2006, Respondent signed a five-year IPN Advocacy Contract and was admitted into IPN. On March 19, 2007, Respondent had an IPN drug test which was positive for morphine, a Schedule II controlled substance. Respondent was reevaluated on April 2, 2007 and again diagnosed with opioid dependency, early sustained remission and major depression, recurrent, in remission.

14. On April 4, 2007, Respondent was allowed to return to work and on November 12, 2007, her narcotics key restriction was lifted. On February 14, 2008, IPN was notified by Respondent's employer that Respondent had been drug tested under a reasonable suspicion drug test for suspected diversion of lorazepam (brand name Ativan), a Schedule IV controlled substance.

15. On March 3, 2008, Respondent was evaluated by a physician certified in addiction psychiatry, who opined that Respondent was unsafe to practice and recommended, among other things, that she should complete an intensive outpatient program (IOP) for further assessment and evaluation.

16. On March 10, 2008, Respondent signed a Voluntary Withdrawal from Practice form with IPN, which was provided to the Florida Board of Nursing. On April 4, 2008, Respondent contacted IPN staff and stated that she was leaving Florida for family reasons. On April 21, 2008, IPN staff informed Respondent of the opinions of the physician who evaluated her on March 10, 2008 and his IOP recommendation. Respondent advised IPN staff that she was not

returning to Florida and would not be following the recommendations. Respondent was dismissed from IPN for noncompliance with the IPN Advocacy Contract and failure to complete the recommended treatment.

17. Although Respondent allowed her Florida license to expire on July 31, 2008, the Florida Department of Health filed an administrative complaint on December 9, 2008 alleging that Respondent violated multiple Florida Statutes by diverting controlled substances and being dismissed by IPN. On April 16, 2009, the Florida Board of Nursing issued a Final Order disciplining Respondent, which was based on a settlement agreement. Among other things, the Order: 1) Reprimanded Respondent, 2) required her to pay, within five years, investigative costs of \$4,640.64, 3) suspended Respondent's license, which suspension will be stayed if she re-enters IPN and complies with any and all terms and conditions imposed by IPN.

### ALL COUNTS

18. On September 29, 2008, Respondent began treatment at First Things First Counseling and Consulting Ltd., in Eau Claire, Wisconsin. Respondent is currently working as a Senior Plasma Center Technician at BioLife Plasma Services in Eau Claire, Wisconsin, which is not a job which requires a nursing license.

### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent has administered and obtained drugs other than in the course of legitimate practice and as otherwise prohibited by law, which is misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(2), and, is subject to discipline pursuant to Wis. Stat. § 441.07(1) (c). [Count I]

3. Respondent has violated laws substantially related to practice under her license and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d). [Count II]

4. Respondent, by having had disciplinary action taken against her Florida license to practice as a registered nurse with the Florida Board of Nursing, has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d). [Count III]

5. Respondent has abused drugs to an extent that such use impairs her ability to safely or reliably practice, as defined by Wis. Admin. Code § N 7.03(2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1) (c). [All Counts]

ORDER

1. Lindsay J. Grubba's license as a registered nurse in the state of Wisconsin is hereby REVOKED.
2. If Respondent ever makes application to the Board for any license:
  - a. Whether to grant a license and whether to impose any limitations or restrictions on any license that may be granted shall be in the discretion of the Board.
  - b. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,650.00 pursuant to Wis. Stat. § 440.22(2).
3. Payment of costs shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone: (608) 267-3817  
Fax: (608) 266-2264
4. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

12/3/09  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

LINDSAY J. GRUBBA, R.N.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION  
LS 0911171 NUR

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[Division of Enforcement Case # 08 NUR 213]

It is hereby stipulated and agreed, by and between Lindsay J. Grubba, R.N., Respondent; and John R. Zwiig, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this matter by stipulation and without a hearing.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. 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. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board accepts the Stipulation, upon issuance of an Order, Respondent's license may be reissued pursuant to the terms of the Order. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or her attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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

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Lindsay J. Grubba, R.N.  
Respondent  
1140 Weather Ridge Rd, Apt 3  
Chippewa Falls, WI 54729

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Date

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John R. Zwiig  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date