

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
AMANDA C. BEACH, L.P.N.,	:	LS0710042NUR
RESPONDENT.	:	

[Division of Enforcement Case # 06 NUR 034]

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

Amanda C. Beach, L.P.N.
3019 S. 33rd Street, Apt. 4
LaCrosse, WI 54601

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

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. Amanda C. Beach, L.P.N., Respondent, date of birth July 30, 1976, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 304241, which was first granted February 24, 2003. Respondent did not renew her license when it expired April 30, 2007, but could renew it by payment of fees.

2. Respondent's last address reported to the Department of Regulation and Licensing is 3019 S. 33rd Street, Apt. 4, LaCrosse, WI 54601. The Division of Enforcement has received information that Respondent's current address is 1418 South 10th Street #103, LaCrosse, WI 54601.

3. Respondent has a history of substance abuse and addiction to controlled substances.

a. In 2004, Respondent was referred to Gunderson Lutheran Medical Center Department of Behavioral Health because Respondent was taking her 8-year-old son's prescribed Adderall for her own personal use. Adderall, a Schedule II controlled substance, is an amphetamine which is used in the treatment of Attention Deficit Disorder with Hyperactivity. Respondent had also been obtaining hydrocodone (Vicodin), a class III controlled substance, from multiple physicians which she said she took to relieve physical and psychological pain.

b. Respondent entered outpatient treatment on March 25, 2004 and was diagnosed with polysubstance abuse. She was also diagnosed with bipolar disorder and postpartum depression, by history. She was discharged or

June 1, 2005 because she missed appointments.

c. On July 12, 2005, Respondent re-entered treatment but had a number of no show appointments. Respondent was assessed again on January 19, 2006 and the diagnostic impression was depressive disorder, not otherwise specified; opiate abuse/dependence; amphetamine dependence with possible relapse.

COUNT I

4. From September 23, 2005 until January 18, 2006, Respondent was employed as a licensed practical nurse at Mulder Health Care Facility in West Salem, Wisconsin.

a. Over a period of time in early January 2006, nursing staff noticed that when Respondent was working on the unit, controlled substances would be missing from the medicine cart and unaccounted for.

b. On January 18, 2006, prior to the start of Respondent's shift at 7:00 a.m., the Director of Nursing (DON) counted the controlled substances on the unit where Respondent was to work. At 2:55 p.m., the Assistant DON counted the same medications and found that two hydrocodone 5/500, which are schedule III controlled substances were missing and unaccounted for.

c. Administrators confronted Respondent and asked her if she had the medication in her possession. Respondent replied that she did have the medication and that she took it for her personal use. She also told them she had a miscarriage in September 2005 and she was prescribed hydrocodone for pain and had been having problems coming off of it.

d. On February 8, 2006, as a result of her conduct, Respondent was charged in LaCrosse County Wisconsin Circuit Court case number 2006CF000123 with one count of Obtain Controlled Substance by Fraud, in violation of Wis. Stat. § 961.43(1)(a), a class H felony. On June 6, 2006, the charge was amended to Possess/Illegally Obtain Controlled Substance, in violation of Wis. Stat. § 450.11(7)(h), a misdemeanor. Pursuant to a deferred prosecution agreement Respondent pled guilty to the amended charge. The court withheld conviction pursuant to the filing of a Diversion Agreement and case was diverted to November 30, 2007.

COUNT II

5. In September and October 2006, while she was pregnant with a due date of October 23, Respondent was again taking her 10-year-old son's prescribed Adderall for her own personal use. Adderall, a Schedule II controlled substance, is an amphetamine which is used in the treatment of Attention Deficit Disorder with Hyperactivity.

6. On November 29, 2006, as a result of this conduct, Respondent was charged in LaCrosse County Wisconsin Circuit Court case number 2006CF000880 with one count of Obtain Controlled Substance by Fraud and one count of Obtain Controlled Substance by Fraud-2nd+, in violation of Wis. Stat. § 961.43(1)(a), a class H felony.

CONCLUSIONS OF LAW

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

2. Respondent, by obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out above, has committed 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)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

1. The SURRENDER by Amanda C. Beach of her license and her right to renew her license as a practical nurse in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. If the Board in its discretion should ever decide to grant any license to Respondent, prior to the granting of the license, Respondent shall pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$950.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

Wisconsin Board of Nursing

By:	Marilyn Kaufmann	10/4/07
	A Member of the Board	Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

AMANDA C. BEACH, L.P.N.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION
LS _____ NUR

[Division of Enforcement Case # 06 NUR 034]

It is hereby stipulated and agreed, by and between Amanda C. Beach, L.P.N., Respondent; and John R. Zwieg 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 investigation of Respondent's licensure by the Division of Enforcement (file 06 NUR 034). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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 most recent wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to 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 the 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 that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Amanda C. Beach, L.P.N.
Respondent
3019 S. 33rd Street, Apt. 4
LaCrosse, WI 54601

Date

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

Date