

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

TONY B. MADIGAN, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002663

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 310

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

Tony B. Madigan, R.N.  
6626 Hyslop Road  
Dane, WI 53529

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
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 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. Respondent Tony B. Madigan, R.N., (dob October 26, 1988) is licensed in the State of Wisconsin as a professional nurse, having license number 190554-30, first issued on June 19, 2012 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6626 Hyslop Road, Dane, Wisconsin 53529.

2. Upon information and belief, Respondent's current address is 1720 State Street, La Crosse, Wisconsin 54601.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a clinic (Clinic), located in La Crosse, Wisconsin.

4. Clinic conducted a routine controlled substance audit. Between January 1, 2013 and May 19, 2013, Respondent dispensed the greatest number of controlled substances as compared to all others in the clinic.

5. The audit identified that Respondent had numerous occurrences of inappropriate medication administration and documentation as follows:

- a. Respondent documented administering as needed medications sooner than orders allowed.
- b. Respondent did not chart medication administration within a timely manner.
- c. Respondent documented administering medication to three patients who stated their pain was not severe and that they had not received any pain medication.

6. Based on the suspicion of diversion, Respondent was drug tested. Respondent tested positive for amphetamines, opiates and oxycodone. Respondent did not have a valid prescription for any of these substances.

7. Respondent was terminated from employment due to suspected diversion and the positive drug screen.

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

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 961.16(2)(a)11, oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. By the conduct described in the Findings of Fact, Tony B. Madigan, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2) by obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

4. As a result of the above violations, Tony B. Madigan, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of the license and privilege of Tony B. Madigan, R.N., (license no. 190554-30) to practice professional nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.
3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$300.00.
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN  
A Member of the Board

Date

10/10/13