

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMANDA M. VANDERFIN, L.P.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005267

Division of Legal Services and Compliance Case No. 15 NUR 530

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

Amanda M. Vanderfin, L.P.N.
315 West Front Street
Peshtigo, WI 54157

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. Respondent Amanda M. Vanderfin, L.P.N., (dob July 9, 1980) is licensed in the State of Wisconsin as a practical nurse, having license number 305512-31, first issued on October 7, 2004, and current through April 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 315 West Front Street, Peshtigo, Wisconsin 54157.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a health care facility (Facility) located in Shawano, Wisconsin.

3. On September 16, 2015, the Facility questioned Respondent regarding concerns of misappropriation of Vicodin®.

4. The Facility observed Vicodin® was being recorded as given to patients on the Narcotic Controlled Drug Use Record, but it was not recorded in the Medication Administration Record (MAR). Also, there was a pattern of the Controlled Drug Use Record showing medication was given to patients, who denied pain and had not asked for pain medication.

5. The Facility's Controlled Drug Use Record showed that Vicodin® was dispensed and administered by Respondent to three (3) patients on the following dates and times:

Patient	Date	Drug Dispensed	Drug Documented as Administered	Discrepancy in Drug Administration
Patient IN	9/1/15	2 tablets	None	2 tablets
	9/5/15	2 tablets	None	2 tablets
	9/7/15	2 tablets	None	2 tablets
	9/10/15	2 tablets	None	2 tablets
Patient GG	8/24/15	1 tablet	None	1 tablet
	9/6/15	1 tablet	None	1 tablet
	9/9/15	1 tablet	None	1 tablet
	9/10/15	1 tablet	None	1 tablet
	9/14/15	1 tablet	None	1 tablet
	9/15/15	1 tablet	None	1 tablet
Patient LM	9/4/15	1 tablet	None	1 tablet
	9/5/15	2 tablets	None	2 tablets
	9/6/15	1 tablet	None	1 tablet
	9/7/15	1 tablet	None	1 tablet
	9/9/15	1 tablet	None	1 tablet
	9/14/15	2 tablets	None	2 tablets
	9/15/15	1 tablet	None	1 tablet

6. Respondent was unable to provide a satisfactory explanation as to why she had not recorded the Vicodin® in the MAR and why patients were getting medications when they had not requested any.

7. On September 16, 2015, Respondent's employment was terminated with the Facility.

8. On June 22, 2016, a criminal complaint was filed with Shawano County circuit court case number: 2016CF000152 for possession of narcotic drugs (Class I Felony), in violation of Wis. Stat. § 961.41(3g)(am); theft – moveable property (Class H Felony), in violation of Wis.

Stat. § 943.20(1)(a); and possessed or illegally obtained prescription (Misdemeanor), in violation of Wis. Stat. § 450.11(7)(h). The case is pending before the circuit court of Shawano County.

9. The Department reserves the right to impose further disciplinary action, if there is a conviction/jury verdict that Respondent diverted medication in the criminal case mentioned in paragraph 8 above.

10. This Final Decision and Order is only intended to address the record keeping and standard of care issues.

11. 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. By the conduct described in the Findings of Fact, Amanda M. Vanderfin, L.P.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.

3. As a result of the above conduct, Amanda M. Vanderfin, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Amanda M. Vanderfin, L.P.N., is REPRIMANDED.

3. The practical nursing license issued to Amanda M. Vanderfin, L.P.N., (license number 305512-31) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of documentation, and four (4) hours of education on the topic of medication errors offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the

education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

5. Within 120 days from the date of this Order, Amanda M. Vanderfin, L.P.N., shall pay COSTS of this matter in the amount of \$975.00.

6. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 305512-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

4-13-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMANDA M. VANDERFIN, L.P.N.,
RESPONDENT.

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STIPULATION

0005267

Division of Legal Services and Compliance Case No. 15 NUR 530

Respondent Amanda M. Vanderfin, L.P.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent'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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (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 then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

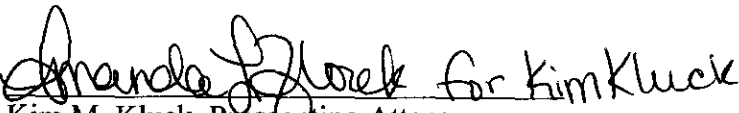
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Amanda M. Vanderfin, L.P.N., Respondent

315 West Front Street
Peshtigo, WI 54157
License no. 305512-31

03/22/17
Date


Kim M. Kluck, Prosecuting Attorney

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

3/29/17
Date