

## 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 THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
ANDREA R. ELVERMAN, L.P.N.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	<b>0005914</b>

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Division of Legal Services and Compliance Case No. 16 NUR 638

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

Andrea R. Elverman, L.P.N.  
611 1<sup>st</sup> Street  
Racine, WI 53403

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. Licensee Andrea R. Elverman, L.P.N., (DOB: February 13, 1967) is licensed in the State of Wisconsin as a practical nurse, having license number 317657-31, first issued on November 18, 2013, and current through April 30, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 611 1<sup>st</sup> Street, Racine, Wisconsin 53403.

2. At all times relevant to this proceeding, Licensee was employed as a practical nurse at an assisted living facility (Facility) located in Brookfield, Wisconsin.

3. On November 12, 2016, at 2:30 p.m., Licensee and Nurse A conducted a narcotic medication count. After it was completed and all narcotic medication was accounted for, Nurse A handed the medication cart keys to Licensee and left the Facility.

4. On November 12, 2016, at 10:30 p.m., Licensee conducted another narcotic medication count with Nurse B, the on-coming shift nurse.

5. As Nurse B counted the narcotic medication in each medication card, Licensee verified it with the count on the Controlled Drug Use Form.

6. After the count was completed, Licensee handed the medication cart keys to Nurse B and left the Facility.

7. On November 13, 2016, during the morning shift change, Nurse A and Nurse B conducted a narcotic medication count, which showed that controlled substances and their respective Controlled Drug Use Forms were unaccounted for.

8. Nurse A informed the nurse supervisor.

9. Nurse A and Nurse B immediately submitted to reasonable suspicion drug screens both of which returned negative for narcotics.

10. During the Facility's investigation, Licensee, Nurse A, and Nurse B stated they did not give the narcotic medication cart keys to anyone during their shift.

11. The investigation also revealed that Licensee did not sign the pre-printed counting of controlled substances form at the time she counted medications with Nurse B during shift change. This form is to be signed by each nurse after completing the narcotics count after each shift and indicates that the narcotics count is correct.

12. Licensee asserts that this form could not be found at the time of shift change. Consequently, she and Nurse B handwrote, dated, and signed a sheet to document the medication count. Licensee maintains that her signature does not appear in the pre-printed form because Nurse B ultimately found that pre-printed form and signed it at a time when Licensee was not on duty.

13. The missing medications and related Controlled Drug Use Forms were not found.

14. On November 15, 2016, Licensee submitted to a reasonable suspicion drug screen which returned negative for narcotics.

15. There is no evidence that Respondent diverted medication.

16. On August 2, 2017, Licensee completed education on the topics of medication errors and documentation.

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

CONCLUSION OF LAW

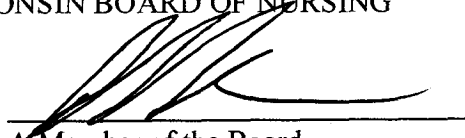
1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. The Board recognizes the completed education on medication errors and documentation as the equivalent of the education it would have otherwise ordered.
3. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:

  
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :

ANDREA R. ELVERMAN, L.P.N., :  
LICENSEE. :

STIPULATION

0005914

Division of Legal Services and Compliance Case No. 16 NUR 638

Licensee Andrea R. Elverman, 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. Licensee consents to the resolution of this investigation by Stipulation.

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

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

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

4. Licensee 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

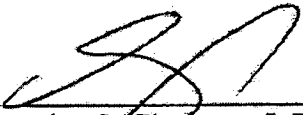
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In

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.

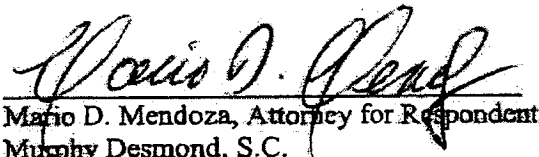
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Andrea B. Elverman, L.P.N., Licensee  
611 1<sup>st</sup> Street  
Racine, WI 53403  
License No. 317657-31

10-1-18  
Date

  
Mario D. Mendoza, Attorney for Respondent  
Murphy Desmond, S.C.  
33 East Main Street, Suite 500  
Madison, WI 53703-3095

10-4-18  
Date

  
Alicia M. Nafi, Attorney Kennedy  
Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison WI 53707-7190

10/5/18  
Date