

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

LORI A. VANDERLEEST, R.N.,
f/k/a LORI A. DELANEY, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006650

Division of Legal Services and Compliance Case No. 17 NUR 479

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

Lori A. Vanderleest, R.N.
f/k/a Lori A. Delaney, R.N.
West Salem, WI 54669

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 Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N. (DOB XX-XX-1969) is licensed in the state of Wisconsin as a registered nurse, having license number 159077-30, first issued on August 22, 2007, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in West Salem, Wisconsin 54669.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at treatment and rehabilitation center (Center), located in Tomah, Wisconsin.

3. On August 14, 2017, the Center's Administrator was notified, by the Center's Director of Nursing (DON), that Respondent did not complete a narcotic count that day with Nurse A during the shift change.

4. Respondent reported she completed a narcotic count on her own once she got the med cart for her shift and the medication count was accurate.

5. DON and Nurse B performed another count of the medication cart and found one (1) oxycodone tablet and one (1) lorazepam tablet missing from a patient's medication.

6. During the internal investigation, Nurse A indicated, in a written statement, that she administered the medications to Patient C but did not sign out the controlled substances.

7. However, Respondent and Nurse A were asked to complete a urine drug test.

8. On August 14, 2017, Respondent's urine sample tested positive for opiates, oxycodone, and benzodiazepine.

9. On July 3, 2017, at approximately 3:20 a.m., Respondent was seen in the emergency room after falling off of a loading dock and injuring her right humerus and right elbow. Respondent was given a two (2) day prescription for oxycodone and told to follow up with her primary care provider.

10. On July 3, 2017, at approximately 1:55 p.m., Respondent was seen by her primary care provider, who prescribed hydrocodone and told Respondent to discontinue use of the oxycodone.

11. By ingesting a drug that Respondent was told to discontinue one and one-half (1½) months prior, and testing positive for the drug immediately after her work shift, Respondent failed to conform to the minimum standards of acceptable nursing practice that may have created an unnecessary risk or danger to a patient's life, health, or safety.

12. On April 7, 2019, Respondent replied to an email from a Department Investigator stating, "My name is Lori Vanderleest. What case?"

13. On April 8, 2019, a Department Investigator replied to the email explaining what the open investigation was in reference to.

14. On April 18, 2019, Respondent replied to the email, stating, "This is not even a case & never was. They admitted their mistake. The administrator was terminated. I am in MN."

15. On April 26, 2019, a Department Investigator sent an email to schedule a time to discuss the allegations to Respondent at the address on file with the Department.

16. On April 29, 2019, a Department investigator called and left a voicemail for Respondent to schedule a time to discuss the allegations at the phone number on file with the Department.

17. On May 8, 2019, a Department investigator called and left a voicemail for Respondent to schedule a time to discuss the allegations at the phone number on file with the Department.

18. Respondent did not respond to these requests.

19. 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, Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., violated 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. By the conduct described in the Findings of Fact, Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., violated Wis. Admin. Code § N 7.03(1)(c), by failing, after a request of the board, to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder.

4. By the conduct described in the Findings of Fact, Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., violated Wis. Stat. § 440.11(1), by failing to notify the department of her new name and address within 30 days of the change in writing or in accordance with other notification procedures approved by the department.

5. As a result of the above conduct, Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., is REPRIMANDED.

3. The registered nursing license issued to Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., (license number 159077-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, is LIMITED as follows:

4. Within one hundred twenty (120) days of the date of this Order, Respondent, at her own expense, shall complete four (4) hours of education on disciplinary actions. Respondent is responsible for finding an appropriate course and submitting the course information to the Board

or its designee for approval prior to taking the course and in sufficient time to obtain Board approval within the one hundred twenty (120) day time frame, taking into account the Board's meeting schedule. Respondent shall provide proof of completion of the education to the Department Monitor.

5. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo an AODA assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.

- b. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- c. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
- d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- e. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- f. Respondent shall comply with the evaluator's recommendations.

6. Pursuant to Enhanced Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

7. Within 180 days from the date of this Order, Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.N., shall pay COSTS of this matter in the amount of \$ 1,148.00.

8. 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

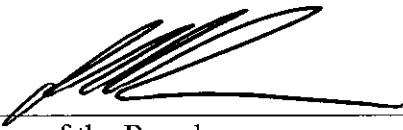
<https://app.wi.gov/DSPSMonitoring>

9. In the event Respondent violates any term of this Order, Respondent's license (159077-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

2/17/20
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LORI A. VANDERLEEST, R.N.
f/k/a LORI A. DELANEY, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006650

Division of Legal Services and Compliance Case No. 17 NUR 479

Respondent Lori A. Vanderleest, R.N., f/k/a Lori A. Delaney, R.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. Respondent is represented by Attorney Stacie H. Rosenzweig.

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.



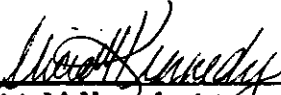
Lori A. Vanderleest, R.N.,
f/k/a Lori A. Delaney, R.N., Respondent
519 Lee Drive
West Salem, WI 54669
License no. 159077-30

12-20-19
Date



Stacie H. Rosenzweig, Attorney for Respondent
Halling & Cayo, S.C.
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202

12/26/19
Date



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

12/26/19
Date