

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

LINDSEY L. WENDLING, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007224

Division of Legal Services and Compliance Case No. 19 NUR 202

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

Lindsey L. Wendling, R.N.
Manchester, IA 52057

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. Lindsey L. Wendling, R.N. (Respondent), (Year of Birth 1990) is credentialed in the state of Wisconsin as a registered nurse, having credential number 191415-30, first issued on July 18, 2012, and currently inactive as of April 24, 2019. On April 24, 2019, Respondent changed her primary state of residence for her multistate license to Iowa (Iowa license number 154440).

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Manchester, Iowa 52057.

3. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a nursing home located in Darlington, Wisconsin (Facility), under her Wisconsin multistate license.

4. On February 21, 2019, the Facility commenced an investigation of Respondent related to her alleged diversion of controlled substances for her own personal use and terminated Respondent's employment at the conclusion of its investigation.

5. On February 20 and February 21, 2019, Respondent documented in the narcotic administration log that she removed controlled substances, including oxycodone, hydrocodone, morphine, and codeine for eight different residents.

6. The medications were not documented as administered in the residents' medication administration record and the residents denied receiving their medication.

7. On January 10, 2020, Respondent plead no contest in Lafayette County Circuit Court case number 2019CF060 to three counts of Theft-Movable Property <=\$2,500, a misdemeanor, in violation of Wis. Stat. § 943.20(1)(a).

8. On May 13, 2020, the Iowa Board of Nursing issued a Combined Statement of Charges, Settlement Agreement, and Final Order that placed Respondent's Iowa license on probation concurrent with the two year probation in Lafayette County Circuit Court case number 2019CF060 and placed a number of limitations on her Iowa license including enrollment in a drug treatment program and random drug testing.

9. 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, 441.51(3)(d) and (e), and 441.51(5)(a)1., and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the credential of Respondent (credential number 191415-30) to practice nursing in the state of Wisconsin, the right to renew and reactivate her credential, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact are hereby accepted.

3. Respondent shall not petition the Board for reinstatement of her credential to practice nursing in the state of Wisconsin, the right to renew and reactivate her credential, or her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact for at least one (1) year from the date of this Order.

4. If Respondent petitions for reinstatement of her credential to practice nursing in the state of Wisconsin, the right to renew and reactivate her credential, or her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact after one year, whether to grant the petition and whether to impose any limitations or restrictions on any license or privilege to

practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact shall be in the discretion of the Board.

5. In the event Respondent petitions for reinstatement of her credential to practice nursing in the state of Wisconsin, the right to renew and reactivate her credential, or her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact or applies for another credential in the state of Wisconsin, Respondent shall pay the costs of this matter in the amount of \$ 780.00, before any petition is considered.

6. Petitions for reinstatement and payment of costs, if applicable, (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

Respondent may also submit this information online at: <http://dpsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

By:



A Member of the Board

2/11/2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LINDSEY L. WENDLING, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0007224

Division of Legal Services and Compliance Case No. 19 NUR 202

Respondent Lindsey L. Wendling, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

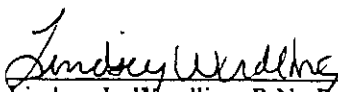
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.
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.



Lindsey L. Wendling, R.N., Respondent
Manchester, IA 52057
License No. 191415-30

1-06-2021
Date



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

1/8/21
Date