

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 R. LINDSTROM, R.N.,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

ORDER 0007259

Division of Legal Services and Compliance Case Nos. 19 NUR 581 and 20 NUR 421

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Amanda R. Lindstrom, R.N.
Cedarburg, WI 53012

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 agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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 these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Amanda R. Lindstrom, R.N., (DOB xx-xx-1987) is licensed in the state of Wisconsin as a registered nurse, with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 220809-30, first issued on January 16, 2015, and currently expired as of February 29, 2020. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her license upon payment of a fee until February 28, 2025.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Cedarburg, Wisconsin 53012.

19 NUR 581

3. At all relevant times, Respondent was employed as a registered nurse at a healthcare facility located in Milwaukee, Wisconsin (Facility).

4. On July 13, 2019, one (1) vial of fentanyl 100mcg/2mL was removed from an automated medication dispensing system by Respondent and was documented as administered to the patient. However, Respondent did not document the waste of the remaining portion of the medication.

5. On July 20, 2019, the police conducted a search warrant of Respondent's apartment and discovered vials of fentanyl and ketamine, along with other hospital grade narcotics, the lot numbers of which matched the Facility's inventory. Respondent maintains that she took the drugs home from the Facility inadvertently in the pocket of her scrubs.

6. On July 31, 2019, Respondent underwent a hair analysis drug test, the results of which were negative.

7. The Facility terminated Respondent's employment and her last day of work was July 19, 2019.

20 NUR 421

8. On July 23, 2019, Respondent was charged in Ozaukee County Circuit Court Case No. 2019CR000188 with the following crimes relating to the facts referred to in par. 5 above:

- a) One (1) count of Possession w/Intent to Deliver Narcotics, a felony;
- b) One (1) count of Possession of GHB, GB, BDO, Ketamine, Flunitraz, a felony;
- c) One (1) count of Possession of Cocaine/Coca, a misdemeanor;
- d) One (1) count of Possession of THC, a misdemeanor;
- e) One (1) count of Possession of Controlled Substance, a misdemeanor;
- f) Three (3) counts of Possession/Illegally Obtained Prescriptions, misdemeanors; and,
- g) One (1) count of Possession of Drug Paraphernalia, a misdemeanor.

9. On August 10, 2020, Respondent pled no contest and was convicted of Possession of GHB, GB, BDO, Ketamine, Flunitraz, a felony, in violation of Wis. Stat. § 961.41(3g)(f); Possession of Cocaine/Coca, a misdemeanor, in violation of Wis. Stat. § 961.41(3g)(c); and, Possession of THC, a misdemeanor, in violation of Wis. Stat. § 961.41(3g)(e). The other counts were dismissed but read in for purposes of sentencing.

10. Respondent was sentenced to three (3) years probation, which included a requirement that she maintain absolute sobriety. Judgment was entered by the Court on November 19, 2020 and Respondent timely notified the Department.

11. In April 2020, Respondent successfully completed a voluntary alcohol and other drug abuse (AODA) program. Respondent has undergone voluntary drug screenings since July 31, 2019, the results of which have been negative for opiates, marijuana, cocaine, and amphetamines.

12. On February 11, 2021, Respondent underwent an AODA assessment with a licensed clinical substance abuse counselor who determined that Respondent does not meet any of the diagnostic criteria for a substance use disorder.

13. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. A nurse who possesses a multistate license from Wisconsin is ineligible to retain or renew the multistate license should the nurse incur a disqualifying event after the effective date of the Compact, pursuant to Wis. Stat. § 441.51(3)(g). The effective date of the Compact is July 20, 2017.

3. Having been convicted of a felony offense under applicable state or federal criminal law is a disqualifying event pursuant to Wis. Stat. § 441.51(3)(c)7.

4. By the conduct described in the Findings of Fact, Respondent is ineligible to retain or renew a Wisconsin multistate license to practice nursing pursuant to Wis. Stat. §§ 441.51(3)(c)7 and 441.51(3)(g).

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(2), by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

7. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's multistate license is deactivated and will not be renewed; Respondent retains the right to renew her single-state license to practice as a registered nurse.

4. Respondent's license to practice as a registered nurse in Wisconsin (license number 220809-30), and/or her right to renew said license, is LIMITED as follows:

a. For a period of at least two (2) years from the date of this Order:

- i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is preapproved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
- ii. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year, for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
- iii. Respondent shall abstain from all personal use of alcohol.
- iv. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- v. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the

prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.

- vi. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 4(a)v.
- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- ix. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
- x. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- xi. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that Respondent does not have access to controlled substances. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days from the date of this Order for any current employer and on a quarterly basis thereafter from each nursing employer.

5. The Board or its designee may, without hearing, suspend Respondent's nursing license upon receipt of information that Respondent is in substantial or repeated violation of any provision of this Order. A substantial violation includes, but is not limited to, a positive drug or

alcohol screen. A repeated violation is defined as the multiple violations of the same provision or violation of more than one provision.

6. The Board or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee.

7. After the first year from the date of this Order, Respondent may petition the Board for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, the Respondent may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

8. Within 120 days from the date of this Order, Respondent shall pay the COSTS of these matters in the amount of \$1,251.00.

9. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), preapprovals, and other information required by this Order 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: <https://dspsmonitoring.wi.gov>

10. In the event Respondent violates any term of this Order, Respondent's license (no. 220809-30), 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.

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

WISCONSIN BOARD OF NURSING

By:


A Member of the Board

11 March 2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMANDA R. LINDSTROM, R.N.,
RESPONDENT.

STIPULATION

ORDER 0007259

Division of Legal Services and Compliance Case Nos. 19 NUR 581 and 20 NUR 421

Respondent Amanda R. Lindstrom, 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 two (2) pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 John S. Schiro.

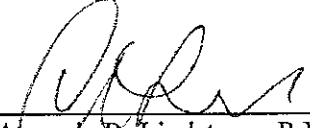
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

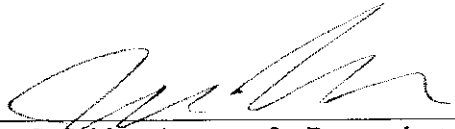
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in these investigations may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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 R. Lindstrom, R.N., Respondent
Cedarburg, WI 53012
License No. 220809-30

02-23-21
Date


John S. Schiro, Attorney for Respondent
Schiro Criminal Defense
Chase Tower Bar # 1009184
111 E. Wisconsin Ave., Suite 1925
Milwaukee, WI 53202

2-23-21
Date


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

2/23/2021
Date