

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

AMANDA J. MACEDO, L.P.N.,  
RESPONDENT.

:  
:  
:  
:  
:

INTERIM ORDER

**ORDER 0007772**

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Division of Legal Services and Compliance Case No. 21 NUR 202

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

Amanda J. Macedo, L.P.N.  
Sheboygan, WI 53083-3825

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 interim 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 adopts the attached Stipulation and makes the following Findings of Fact, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Respondent Amanda J. Macedo, L.P.N., (Year of Birth 1982) is licensed in the state of Wisconsin as a licensed practical nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 318777-31, first issued on September 12, 2014, and current through April 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Sheboygan, Wisconsin 53083-3825.

2. At all times relevant to this proceeding, Respondent was employed as a licensed practical nurse at a nursing home and rehabilitation facility in Sheboygan, Wisconsin (Facility).

3. On March 28, 2021, the Department's Division of Legal Services and Compliance received a complaint alleging that Respondent was diverting narcotics from Facility patients.

4. On April 2, 2021, Respondent was suspended by the Facility pending a police investigation conducted by the Sheboygan Police Department.

5. On September 14, 2021, Respondent was charged with four (4) counts of felony Medical Assistance Fraud and six (6) counts of felony Acquiring Possession of a Controlled Substance by Misrepresentation, in violation of Wis. Stats. §§ 946.91(2)(a) and 961.43(1)(a) respectively, in Sheboygan County Circuit Court Case Number 2021CF000651. On November 9, 2021, the four (4) counts of felony Medical Assistance Fraud were dismissed. The case is pending.

6. The Board has not made a determination as to the validity of the underlying allegations.

7. Respondent denies these allegations but has agreed to the Limitations below, pending the investigation and final resolution of this disciplinary matter.

#### CONCLUSION 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).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent's license to practice as a licensed practical nurse in the state of Wisconsin (license number 318777-31) is LIMITED during the pendency of this disciplinary matter as follows:

##### Alcohol and Other Drug Abuse Assessment

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

i. Prior to the assessment, Respondent shall provide a copy of this Interim Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Interim Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.

ii. 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.

- iii. 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.
- iv. 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.
- v. Respondent shall comply with the evaluator's recommendations.
- vi. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor.

#### Drug and Alcohol Screens

- b. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
- c. 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:
  - i. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - ii. 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.
  - iii. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year (one of which may be a hair test at the Board's discretion), 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.
- d. Respondent shall abstain from all personal use of alcohol.
- e. 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. Respondent shall disclose the name and address of such practitioner to the Department Monitor within five (5) business days of receipt of a prescription for controlled substances.

- f. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within twenty-four (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.
- g. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Respondent shall abstain from all use of over-the-counter medications, products, or other substances (including but not limited to natural substances, such as poppy seeds or any products containing alcohol) which may mask consumption of controlled substances or alcohol, create false positive screening results, or otherwise interfere with Respondent's test results, treatment, or rehabilitation, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph 3(a)v. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- h. 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.
- i. 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.

#### Practice Limitations

- j. Respondent shall provide her nursing employer with a copy of this Interim 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 Interim 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 Interim Order for employment current as of the date of this Interim Order.

- k. During the term of this Interim Order, Respondent shall work under direct supervision. Respondent shall only work in a work setting pre-approved by the Board or its designee. Requests for pre-approval must be accompanied by a current job description, name and contact information of the direct supervisor, and written acknowledgment from the employer that a copy of this Order and any subsequent orders modifying this original Order have been received and that the restrictions will be accommodated.
  - l. During the term of this Interim Order, it is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates less than satisfactory performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.
  - m. Pursuant to the Compact, Respondent may not practice in another Compact State, other than Wisconsin, while her license is encumbered by any term or restriction of this Interim Order.
  - n. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Interim Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
3. The Interim Order shall remain in effect until the Board issues a Final Decision and Order in, or otherwise finally resolves, this disciplinary matter.
4. Any requests, petitions, reports, and other information required by this Interim Order shall be mailed, e-mailed, faxed, or delivered to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may submit this information online via DSPS' Monitoring Case Management System: [www.dpsmonitoring.wi.gov](http://www.dpsmonitoring.wi.gov).

5. In the event Respondent violates any term of this Interim Order, Respondent's license, 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 Interim Order. The Board may, in addition and/or in the alternative refer any violation of this Interim Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

By: *Gregory P. Jalatawski*  
A Member of the Board

1/13/2022  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	FOR INTERIM ORDER
AMANDA J. MACEDO, L.P.N.,	:	
RESPONDENT.	:	<b>ORDER 0007772</b>

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Division of Legal Services and Compliance Case No. 21 NUR 202

Respondent Amanda J. Macedo, 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 in the course of a pending investigation by the Division of Legal Services and Compliance (Division).

2. Respondent is aware of her 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 Rosenzweig.

3. Respondent denies the allegations in this matter but agrees to the adoption of the attached Interim Order by the Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Interim Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Interim Order, if adopted in the form as attached.

4. 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 be returned to the Division for further proceedings. In the event this 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 the Interim Order.

5. The parties to this Stipulation agree that the attorney or other agent for the Division and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, if any, for purposes of speaking in support of this Interim Order and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Interim Order.

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





7. The Division joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Interim Order.

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Amanda J. Macedo, L.P.N., Respondent  
Sheboygan, WI 53083-3825  
License No. 318777-31

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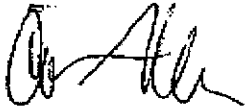
Date

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Stacie Rosenzweig, Attorney for Respondent  
Halling & Cayo SC  
320 E. Buffalo St., Ste 700  
Milwaukee, WI 53202

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Date



December 15, 2021

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

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Date