

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

ANDREW S. LEHR, R.N., A.P.N.P.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008007

Division of Legal Services and Compliance Case No. 22 NUR 036

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

Andrew S. Lehr, R.N., A.P.N.P.
Madison, WI 53705

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 Andrew S. Lehr, R.N., A.P.N.P. (Year of Birth 1979) 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 142480-30, first issued on October 23, 2002, and current through February 29, 2024. Respondent is also certified in the state of Wisconsin as an advanced practice nurse prescriber, having certificate number 4306-33, first issued on December 20, 2010, and current through September 30, 2022.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53705.

3. At all times relevant to this proceeding, Respondent was employed as a certified registered nurse anesthetist at a hospital in Madison, Wisconsin (Hospital).

4. On January 24, 2022, the Department received notice from the Hospital that Respondent was placed on administrative leave after a review of his controlled substance dispensing and administration confirmed he diverted fentanyl.

5. On October 29, 2021, Respondent admitted to Hospital staff that he had diverted fentanyl. Respondent explained that if he administered 50mcg to a patient, he would divert the other 50mcg for personal use and back fill the syringe for the waste. Respondent also admitted to trying hydromorphone and midazolam as well, but never medications needed by a patient.

6. On October 29, 2021, Respondent submitted to a urine drug screen, the results of which were positive for fentanyl.

7. On November 5, 2021, Respondent entered into inpatient treatment for opioid use disorder (severe). On December 16, 2021, Respondent was successfully discharged from inpatient care and was transferred to intensive outpatient care, with recommendations to attend a 12-step program, obtain a lifetime sponsor, and self-report to a state-approved monitoring program for credentialed professionals with substance abuse issues.

8. On February 23, 2022, Respondent voluntarily entered into Wisconsin's non-disciplinary professional assistance program for licensees with substance abuse issues (PAP).

9. Respondent neither admits nor denies these allegations, but for purposes of resolving this matter, consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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, Respondent obtained, possessed, or attempted to obtain or possess a drug without lawful authority, within the meaning of Wis. Admin. Code § N 7.03(8)(e).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. §§ 441.07(1g)(b), (c) and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (number 142480-30), his certificate to practice as an advanced practice nurse prescriber in the state

of Wisconsin (number 4306-33), and his privilege to practice as a nurse in the state of Wisconsin under the authority of another state's license pursuant to the Compact, are LIMITED as follows:

- a. Respondent shall comply with his PAP agreement, dated February 23, 2022.
 - b. Any violation of the terms of his PAP agreement, dated February 23, 2022, is a violation of this Order.
 - c. Respondent may petition for removal of this limitation upon successful completion of his PAP agreement, dated February 23, 2022.
4. In the event Respondent violates any term of this Order or is discharged from PAP prior to successful completion, Respondent's license (number 142480-30) and certificate (number 4306-33), or Respondent's right to renew his license and certificate, may, in the discretion of the Board or its designee, be immediately SUSPENDED, without further notice or hearing. The Board may, in addition and/or in the alternative, impose additional limitations to address any concerns with the above conduct or the circumstances surrounding Respondent's discharge from PAP, or refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.
5. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.
6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$718.00.
7. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted 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

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

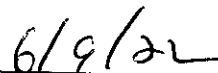
8. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANDREW S. LEHR, R.N., A.P.N.P.,
RESPONDENT.

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STIPULATION
ORDER 0008007

Division of Legal Services and Compliance Case No. 22 NUR 036

Respondent Andrew S. Lehr, R.N., A.P.N.P., 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 Mario D. Mendoza.
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

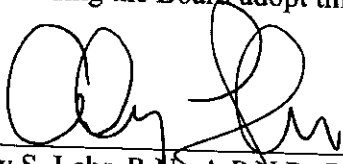
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 or Respondent's attorney, 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Andrew S. Lehr, R.N., A.P.N.P., Respondent
Madison, WI 53705
License No. 142480-30
Certificate No. 4306-33

5/16/2022
Date


Mario D. Mendoza, Attorney for Respondent
Murphy Desmond, S.C.
33 E. Main St., Suite 500
Madison, WI 53703

May 16, 2022
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

5/16/2022
Date