

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 :
 : FINAL DECISION AND ORDER
AMY M. LEFFLER, R.N., :
RESPONDENT. : **ORDER 0008152**

Division of Legal Services and Compliance Case No. 21 NUR 724

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

Amy M. Leffler, R.N.
Pewaukee, WI 53072

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 Amy M. Leffler, R.N., (Year of Birth 1974) 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 138318-30, first issued on August 7, 2001, and current through February 29, 2024. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Pewaukee, Wisconsin 53072.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a hospital, located in Milwaukee, Wisconsin (Hospital).

3. An audit of Respondent's medication administration record (MAR) revealed Respondent had dispensed and administered pain medication to various patients pursuant to physician orders from a prior phase of care, which were not active orders.

4. On August 25, 2021, Respondent met with Hospital staff regarding the findings of the audit. Respondent explained she did not think this was a problem, because the patients had been receiving the medication prior to transferring to her department.

5. At the end of the meeting, Hospital staff discovered two syringes of clear liquid and a vial in Respondent's pocket. One of the syringes had 2.5mg of Midazolam and the other had 50mcg of fentanyl. The vial was full of 100mcg/2mL of fentanyl.

6. Earlier that day, Respondent dispensed two vials of 100 mcg fentanyl/2ml and one vial of 5mg Midazolam/5ml. Respondent documented administering 25 mcg of fentanyl and 1mg of Midazolam to the same patient two separate times, three minutes apart. Given what remained in the syringes in Respondent's pocket, .5mg Midazolam and 50 mcg Fentanyl was unaccounted for.

7. A lab analysis of the fentanyl syringe revealed fentanyl concentration of 7.1%, significantly lower than the expected range of 90-110%.

8. Respondent was taken off the schedule until September 21, 2021. On September 21, 2021, Respondent returned to work and was placed on a performance improvement plan, which, in part, required her to submit to random drug tests for the next 12 months.

9. On November 3, 2021, Respondent had a random drug screen completed at the beginning of her shift. The results were non-negative. Respondent stated that two days prior, she had a headache and took a Vicodin prescribed for a family member. She attributed the non-negative test result to this Vicodin.

10. As a result of the drug screen results, Respondent was terminated from the Hospital.

11. On November 22, 2021, Respondent contacted Hospital administration and shared the following information:

- a. She diverted Fentanyl from the Hospital;
- b. She was enrolled in an intensive outpatient treatment program;
- c. After administering medication to patients, she would take the waste medication for herself and fill the empty syringe with saline that would be wasted per policy;
- d. She began diverting fentanyl from the Hospital approximately two years prior, following a tonsillectomy after which she was temporarily prescribed fentanyl;
- e. She put the diverted medication in her purse to take home.

12. Respondent began outpatient treatment on November 29, 2021, with an admission diagnosis of "opioid dependence."

13. On May 5, 2022, Respondent entered into an impairment program, separate from this Order, and signed the impairment program contract.

14. In resolution of this matter, Respondent 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 practiced nursing while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications within the meaning of Wis. Admin. Code § N 7.03(6)(e).

3. 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).

4. Being currently enrolled in an alternative program is a disqualifying event pursuant to Wis. Stat § 441.51(3)(c)9. "Alternative program" means a non-disciplinary monitoring program approved by a licensing board pursuant to Wis. Stat. § 441.51(2)(b).

5. By the conduct described in the Findings of Fact, Respondent is ineligible to retain or renew her Wisconsin multistate license to practice nursing, pursuant to Wis. Stat. §§ 441.51(3)(c)7., 441.51(3)(c)9., and 441.51(3)(g).

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

ORDER

1. The attached Stipulation is accepted.

1. Respondent is REPRIMANDED.

2. Respondent's multistate registered nurse license is deactivated; Respondent retains a Wisconsin single-state license to practice registered nursing, along with the right to apply for renewal of the single-state registered nurse license.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 138318-30) is LIMITED as follows:

a. Respondent shall comply with the impairment program contract dated May 5, 2022.

- b. Any violation of the terms of the impairment program contract dated May 5, 2022, is a violation of this order.
- c. Respondent may petition for termination of the limitation upon successful completion of the impairment program.

4. In the event Respondent is discharged from the impairment program prior to successful completion, Respondent's license, and appurtenant right to apply to renew, may, in the discretion of the Board or its designee, be immediately SUSPENDED. In addition to, or instead of, the suspension, the Board may impose additional limitations to address any concerns with the conduct described in the Findings of Fact and Respondent's discharge from the impairment program.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,184.00.

6. 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 payment online at: <https://dspsmonitoring.wi.gov>.

8. In the event Respondent violates any term of this Order, Respondent's license (138318-30), or Respondent's right to apply 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.

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

WISCONSIN BOARD OF NURSING

By: Robert Weirman, RN-CCNP
A Member of the Board

9/8/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMY M. LEFFLER, R.N.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008152

Division of Legal Services and Compliance Case No. 21 NUR 724

Respondent Amy M. Leffler, 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. 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.

Amy M. Leffler, R.N., Respondent
Pewaukee, WI 53072
License No. 138318-30

Date

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

Date

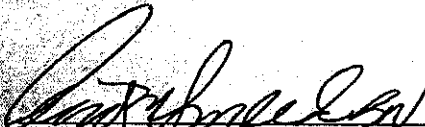
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9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Amy M. Jeffler, R.N., Respondent
Pewaukee, WI 53072
License No. 138318-30

8/16/2022

Date



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

August 22, 2022

Date