

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SAMANTHA M. SOMMERS, R.N.,  
RESPONDENT.

:  
:  
:  
:  
:

DLSC Case No. 21 NUR 737

**ORDER 0008211**

---

ORDER OF SUMMARY SUSPENSION

---

The Petition for Summary Suspension of the license of Samantha M. Sommers, R.N., to practice as a registered nurse, dated October 3, 2022, was noticed to be presented to the Wisconsin Board of Nursing (Board) at 9:00 a.m., or as soon thereafter as the matter could be heard, on October 13, 2022. At that time, Attorney Matthew Valley appeared for the Petitioner, Department of Safety and Professional Services, Division of Legal Services and Compliance. Respondent appeared in person.

The Board, having considered the sworn Petition for Summary Suspension; the Affidavit of Anna Yarish, the Affidavit of Matthew Valley and attached exhibits, as evidence; the Affidavit of Service of Amended Notice of Presentation and Petition for Summary Suspension of Steve Engelbrecht certifying that a true and accurate copy of the Amended Notice of Presentation of Petition for Summary Suspension, Petition for Summary Suspension, Affidavit of Anna Yarish, and Affidavit of Matthew Valley were sent via certified and regular U.S. Mail, as well as by electronic mail, to Respondent on October 4, 2022; and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Samantha M. Sommers, R.N. (Respondent), (Year of Birth 1987) is licensed in the state of Wisconsin as a registered nurse, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 174340-30, first issued on July 27, 2010, and current through February 29, 2024.
2. Respondent recently married and changed her name to Samantha Bamberg and has failed to report her name change to the Department.
3. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 5907 Morning View Lane, Weston, Wisconsin 54476.
4. At all times relevant to this proceeding, Respondent was employed as a registered nurse, at a health and rehabilitation center, located in Weston, Wisconsin (Facility).

5. On November 19, 2021, Respondent purported to destroy discontinued medication with Nurse A acting as a witness. Respondent placed the medication in a “Drug Buster” disposal bottle, with Nurse A acting as the verifying Nurse. Nurse A became suspicious when Respondent placed the medications into the Drug Buster disposal bottle system and immediately capped the bottle. Nurse A then heard a faint rattle sound when Respondent was shaking/mixing the medications with the liquid mix solution. Respondent then took the “Drug Buster” disposal bottle to the medication room. Nurse A was suspicious, so she went into the medication room after Respondent had left to examine the “Drug Buster” disposal bottle. Nurse A saw one “Drug Buster” disposal bottle on top of the medication counter with the liquid mix solution contents in it. Nurse A then found a second “Drug Buster” disposal bottle that did not have the liquid mix solution inside but rather was filled with tissue paper and had medication on top of the tissue paper. The medication inside matched the medication that Respondent had previously presented as having been put in the bottle to be destroyed. Nurse A took the Drug Buster bottle to the Director of Nursing at the Facility and reported her concerns.

6. Nurse A later found Respondent searching the medication room, which led to a confrontation. Respondent acknowledged her intent to divert medications. Respondent was removed from her duties pending facility investigation.

7. On November 19, 2021, Facility staff interviewed Respondent, and Respondent admitted that she had been diverting controlled substances from the Facility for her own personal use for approximately two weeks. Respondent explained that she diverted the controlled substances through manipulation of the “Drug Buster” disposal bottle.

8. On November 19, 2021, Respondent underwent a urine drug screen and tested positive for oxycodone and oxymorphone.

9. Respondent was terminated from her position at the Facility.

10. Subsequent to the filing of this complaint, Respondent submitted a response in which she recanted her admission of diversion and claimed she did have a prescription for oxycodone.

11. Respondent was unable to offer any documentation or other evidence establishing that she had a legal prescription for oxycodone.

12. The last information received by the Department regarding Respondent’s employment was that she was working as an in-home health care nurse.

13. By the conduct described above, Respondent committed unsafe practice or substandard care by being unable to practice safely by reason of alcohol or other substance abuse within the meaning of Wis. Admin. Code § N 7.03(6)(f).

14. By the conduct described above, 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).

15. 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.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to summarily suspend the license of Respondent to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stat. § 227.51(3) and Wis. Admin. Code ch. SPS 6.

2. Proper and sufficient notice of the Petition for Summary Suspension was provided to Respondent as required by Wis. Stats. § 19.85(1)(b) and Wis. Admin. Code § SPS 6.05.

3. Based on the sworn Petition and affidavits of Matthew Valley and Anna Yarish, there is probable cause to believe that unprofessional conduct has occurred as set forth in the Findings of Fact and it is necessary to suspend the license of Respondent immediately to protect the public health, safety or welfare.

### ORDER

1. The license of Respondent to practice as a registered nurse in the state of Wisconsin, as well as her right to apply for renewal of such license, is summarily suspended until the effective date of a final decision and order issued in the disciplinary proceeding against Respondent, unless otherwise ordered by the Board.

2. A formal complaint alleging that Respondent has committed unprofessional conduct as set forth above shall be filed with the Division of Hearings and Appeals within 10 days of the date of this Order.

3. Respondent is notified of her right, pursuant to Wis. Admin. Code § SPS 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Board of Nursing, 4822 Madison Yards Way, Post Office Box 8366, Madison, Wisconsin 53708-8366.

4. In the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

WISCONSIN BOARD OF NURSING

By:

*Robert Weirman, DNP-CCNP*

\_\_\_\_\_  
A Member of the Board

10/13/2022

\_\_\_\_\_  
Date