

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/wscga>

- 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

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
AMANDA M. VANDERFIN, L.P.N., :
RESPONDENT. : **ORDER 0008856**

Division of Legal Services and Compliance Case Nos. 23 NUR 016 and 23 NUR 173

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

Amanda M. Vanderfin, L.P.N.
Marinette, WI 54143

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. Amanda M. Vanderfin, L.P.N. (Respondent), (Year of Birth 1980) is licensed in the state of Wisconsin as a licensed practical nurse, having license number 305512-31, first issued on October 7, 2004, and current through April 30, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Marinette, Wisconsin 54143.

2. At all times relevant to this proceeding, Respondent was employed as a licensed practical nurse and worked through a nursing agency at facilities located in Suring (Suring), Appleton (Appleton), and Green Bay (Green Bay), Wisconsin.

Prior Board Actions

15 NUR 530

3. On April 13, 2017, the Board issued Order # 0005267 to resolve DLSC Case No. 15 NUR 530. Respondent was reprimanded and required to complete education on the topics of documentation, and medication errors for violating Wis. Admin. Code § N 7.03(6)(c). Respondent's employing facility discovered conflicting controlled substance documentation and saw a pattern of Respondent administering pain medications to patients who had denied experiencing pain and did not request pain medication. The facility alleged misappropriation of Vicodin. Respondent was unable to provide a satisfactory explanation of why she had not recorded Vicodin administration or why patients were receiving pain medication that they had not requested. Respondent was criminally charged with possession of narcotic drugs, theft of movable property, and possession of an illegally obtained prescription in Shawano County Circuit Court Case No. 2016CF152. The criminal case was dismissed due to lack of cooperation from the complaining witness.

4. On January 12, 2018, Respondent's license was suspended for failure to pay the costs assessed in Order # 0005267.

5. On February 27, 2018, Respondent's license was restored to full, unrestricted status.

20 NUR 272

6. On May 11, 2023, the Board issued Order # 0008534 to resolve DLSC Case No. 20 NUR 272. Respondent was ordered to successfully complete two hours of education on the scope of LPN practice in Wisconsin and obtain proof of IV therapy/administration certification. Respondent had administered IV medication to patients via a central line a total of four times between April 7, 2020 and April 8, 2020. The nursing facility did not have any IV therapy/administration certification on file for Respondent, and Respondent could not provide proof of IV therapy/administration certification to the Department. Even though, Respondent reported she was certified after passing a certification test in or around 2004.

Prior Relevant Allegations

13 NUR 234

7. Two nursing home residents stated they did not receive scheduled and PRN medications, although Respondent had signed for the medications. This case was closed at screening.

13 NUR 500

8. Two nursing home residents stated they did not receive scheduled and PRN medications, although Respondent had signed for the medications. This case was closed at screening.

17 NUR 543

9. Medication was found to be missing from a medication cart in Respondent's employing nursing home. Respondent's drug screen was negative. This case was closed at screening for insufficient evidence.

Current Cases

23 NUR 016

10. On January 11, 2023, the Department received a complaint alleging that Respondent had diverted ten Vicodin 10/325mg tablets from a locked contingency box on January 4, 2023.

11. Suring investigated the allegations and a locked contingency box that Respondent accessed on November 14, 2022, finding there were several medications in the wrong location, and ten Vicodin 10/325mg tablets missing.

12. The accountability documentation for the contingency box indicated that, on November 14, 2022, Respondent signed as the oncoming nurse for both the AM and PM shifts.¹ Respondent signed as the off-going nurse for the PM/NOC shift on November 14, 2023 in which the security lock tags had been changed, indicating access to the contingency box during that shift. The single use, numbered, and breakable security lock tags on the contingency box were not changed again until the AM/PM shift on January 4, 2023.

13. Suring found no indication that anyone other than Respondent accessed the locked contingency box between Respondent going off shift on November 14, 2022 and when the missing Vicodin were discovered on January 4, 2023.

14. On January 4, 2023, Suring notified Respondent's employing agency that Respondent had been removed from Suring's schedule due to suspected drug diversion. Respondent provided a written response to the agency in which she described accessing the contingency box with a second nurse on November 16, 2022, pursuant to an order for morphine for a resident. Respondent described completing the proper paperwork for access and obtaining the required pharmacy authorization.

15. The pharmacy which provided the contingency box and the security lock tags confirmed to the Department that it did not receive any request for or give authorization to access the contingency box on November 16, 2023.

16. Shortly thereafter, on January 12, 2023, Suring advised Respondent's agency that they had reasonable suspicion that Respondent was involved in the incident and would not be permitted to return to the facility. The agency attempted to contact Respondent via various means to relay this information, but Respondent did not respond, and the agency placed Respondent in an "inactive" status.

¹ Respondent informed the Department that she worked double shifts.

17. Additionally, Suring notified the Suring Police Department to report possible narcotic diversion. The investigating officer was unable to make contact with Respondent. As of September 7, 2023, no criminal charges have been filed against Respondent in this matter.

23 NUR 173

18. On March 9, 2023, the Department received a complaint from the Department of Health Services alleging that Respondent had diverted narcotics for her personal use. A Green Bay nurse saw documentation that Respondent had administered a narcotic to a patient who had not requested or received the narcotic recently and was weaning himself off narcotics. When questioned, the patient stated that he did not request or receive the narcotic dose.

19. On February 28, 2023, while working at Green Bay, Respondent documented administering one tablet of 5/325mg hydrocodone/APAP to Patient S.G. Respondent did not document the administration of the medication in Patient S.G.'s eMAR. Patient S.G. was controlling his pain with Tylenol and tizanidine because he was trying to stop using narcotic pain medications. Patient S.G. denied asking for and receiving any narcotic pain medications on February 28, 2023.

20. In her response to the Department, Respondent described that it was her first shift² at Green Bay and had been overwhelming with many interruptions when she administered the medication to Patient S.G. She stated she "may be guilty" of not recording the administration in the patient's eMAR.

21. On March 2, 2023, Appleton informed Respondent's employing agency that Respondent documented administering several medications in the MAR but did not chart the administration of those medications.

22. On March 28, 2023, Respondent was terminated from her employing agency due to the two allegations that Respondent had administered narcotic medications that were without sufficient documentation, with one resident stating that he had neither asked for nor received the medication.

23. 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 failed to perform nursing with reasonable skill and safety, within the meaning of Wis. Admin. Code § N 7.03(6)(a).

² Respondent was staffed at Green Bay by an agency which hired her after being placed in "inactive" status by her prior agency, on February 22, 2023. This agency confirmed that the February 28, 2023 shift at Green Bay was her first assignment with this agency.

3. By the conduct described in the Findings of Fact, Respondent departed from or failed to conform to the minimal standard of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety, within the meaning of Wis. Admin. Code § N 7.03(6)(c).

4. Respondent has been previously disciplined for the same or similar conduct.

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), 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 licensed practical nurse in the state of Wisconsin (license number 305512-31), 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 monitoring program which is approved 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 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 urine, blood, sweat, fingernail, hair, saliva or other specimens 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 (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.

- iii. 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 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.
- iv. 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.
- v. 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)iv. 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.
- vi. 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.

- vii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, 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.
- viii. Respondent shall practice only in a work setting pre-approved by the Board or its designee. Respondent is prohibited from working in home health care or in any circumstance where her practice would be unsupervised by a licensee with authorized access to controlled substances. Respondent is not prohibited from access to controlled substances in the course of her employment.
- ix. Respondent shall provide his or her nursing employer with a copy of this Order and any subsequent order modifying 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 and any subsequent order modifying 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 and any subsequent order modifying this Order for employment current as of the date of this Order.

4. A positive drug screen, or any credible allegations of improper narcotic accounting or documentation, which results in the opening of a new disciplinary case(s), constitutes a violation of the Order and will result in an immediate suspension, without further notice or hearing, which may not be stayed or lifted until final disposition of the newer disciplinary case(s).

5. After the first year from the date of this Order, Respondent may petition the Board on an annual basis 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.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,309.00. If costs are not paid 120 days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).

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://dpsmonitoring.wi.gov>.

8. In the event Respondent violates any term of this Order, Respondent's license (number 305512-31), 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. 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. 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: Vera Lytle
A Member of the Board

11/9/23
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMANDA M. VANDERFIN, L.P.N.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008856

Division of Legal Services and Compliance Case Nos. 23 NUR 016, and 23 NUR 173

Amanda M. Vanderfin, L.P.N. (Respondent), 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.

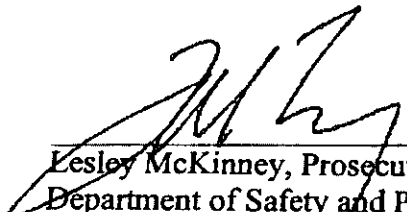
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Amanda M. Vanderfin, L.P.N., Respondent
Marinette, WI 54143
License No. 305512-31

10/10/23
Date


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

10/16/2023
Date