

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of	)	STIPULATION FOR
	)	VOLUNTARY
	)	SURRENDER OF
Lindsay P. Madden, RN, FNP	)	REGISTERED NURSE
	)	LICENSE & FAMILY
License No: 200542111RN	)	NURSE
Certificate No. 200550119NP	)	PRACTITIONER
	)	CERTIFICATE
Case No. 10-147)	

Lindsay P. Madden (Licensee) has been licensed as a Registered Nurse in the State of Oregon since July 22, 1998 and certified as a Family Nurse Practitioner in the State of Oregon since July 22, 2005.

Board staff received an allegation, on September 29, 2009, that Licensee had been diverting her patients' medications for her own use. The complainant was not a patient and did not allege patient harm.

Licensee met with Board staff on November 16, 2009 and denied taking any medications which could potentially impair her ability to practice and denied diverting narcotics for her personal use.

During the course of the investigation, Board staff reviewed pharmacy records, patient medical records and interviewed clinic staff and local pharmacists. It was noted that on several occasions in the past year, Licensee had prescribed a substantial amount of Percocet and Vicodin to a select number of her patients and that these prescriptions were filled at various pharmacies and often times paid for in cash.

On December 14, 2009, Board staff contacted Licensee to discuss the findings. She admitted to being addicted to narcotics and to prescribing medications to patients in order to use the medications herself. Licensee later admitted to the police that she obtained narcotics by writing prescriptions for patients, friends and family members and either picked them up or had someone else pick them up and deliver them to her.

Board staff requested that Licensee voluntarily remove herself from practice. She agreed to do so and signed an Interim Order by Consent, which was ratified by the Board on January 13, 2010. On December 15, 2009, Licensee sent a letter to all of her patients indefinitely closing her practice. On January 6, 2010, Licensee voluntarily surrendered her DEA card.

On December 22, 2009, Licensee was telephonically evaluated by Serenity Lane and assigned the diagnosis of Opioid Dependence. The recommendation was for no less than 28 days inpatient treatment. According to her evaluation, Licensee was first prescribed opioids after her first surgery for adenocarcinoma in 2003. She reportedly

took her medications as prescribed until in 2006 she began abusing them. Licensee admitted that two years ago she began diverting narcotics from her patients. She admitted that she had been taking up to 30-50 Percocet or Vicodin tablets a day.

On January 8, 2010, Licensee was admitted to Serenity Lane for opiate dependence and withdrawal. After 28 days of residential treatment she was discharged to intensive outpatient treatment in Eugene for ten weeks. After successfully completing intensive outpatient treatment, Licensee transferred to Recovery Support and attended a weekly professional program.

On August 19, 2010 Licensee entered a plea of Guilty and was convicted of Tampering with Drug Records, Possession of Controlled Substance and Obtaining Controlled Substances Unlawfully.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (a), (d), (e) and (f); OAR 851-045-0070 (1) (n), (2) (f), (g), (h), (i), (j), (o), (3) (c), (4) (b), (7) (b) and (10) (b); and OAR 851-045-0080 (3) (a), (b), (c) and (d) which provides as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(a) Conviction of the licensee of a crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering into the conviction, shall be conclusive evidence of the conviction.

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

Conduct Derogatory to the Standards of Nursing Defined

OAR 851-045-0070

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(n) Failing to maintain professional boundaries with a client.

(2) Conduct related to other federal or state statute/rule violations:

- (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any other person.
- (g) Soliciting or borrowing money, materials, or property from clients.
- (h) Using the nurse client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for nursing services.
- (i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
- (j) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers.
- (o) Failing to dispense or administer medications, including Methadone, in a manner consistent with state and federal law.

(3) Conduct related to communication:

- (c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filling in someone else's omissions, signing someone else's name, record care not given, and fabricating data/values.

(4) Conduct related to achieving and maintaining clinical competency:

- (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(7) Conduct related to the licensee's relationship with the Board:

- (b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

(10) Conduct related to advanced practice nursing:

- (b) Prescribing for or dispensing medications to one's self.

Criminal Conviction History/Falsification of Application - Denial of Licensure'

Revocation of Licensure

OAR 851-045-0080

(3) All other applicants with conviction histories, other than those listed above, including crimes which are drug and alcohol related, will be considered on an individual basis. The following factors will be considered by the Board:

- (a) Evidence of Rehabilitation
- (b) The length of time since the conviction to the time of application for licensure as a practical nurse or registered nurse.
- (c) The circumstances surrounding the commission of the crime which demonstrate that a repeat offense is not likely.
- (d) Character references.

Licensee wishes to cooperate with the Board and agrees to voluntarily surrender her Registered Nurse license and Family Nurse Practitioner certificate. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Lindsay P. Madden:

That the Voluntary Surrender of the Registered Nurse license and Family Nurse Practitioner certificate of Lindsay P. Madden be accepted. That Ms. Madden's license and certificate be surrendered for a minimum of three years. That Licensee may credit time passed while prohibited from practice under the Interim Order by Consent against the required three years. If she wishes to reinstate her License or Certificate, Licensee may appear before the Board to request reinstatement. Should the Board reinstate the Registered Nurse license or Family Nurse Practitioner certificate of Ms. Madden, she would be subject to whatever terms and conditions the Board may impose.

Ms. Madden understands that this Stipulation will be submitted to the Board of Nursing for their approval and is subject to the Board's confirmation.

Ms. Madden understands that this Stipulation will become a public record at such time as the Board issues an Order adopting it.

Ms. Madden understands that by signing this Stipulated Agreement she waives the right to an administrative hearing. She acknowledges that no promises or representations have been used to induce her to sign this Stipulation.

Ms. Madden has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Dated this _____ day of _____, 2010.

Lindsay P. Madden

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

**BEFORE THE BOARD OF NURSING
FOR THE STATE OF OREGON**

In the Matter of:)	
)	
Lindsay P. Madden, RN, FNP	)	FINAL ORDER
)	
Certificate No. 200550119NP)	
License No. 200542111RN	)	Case No. 10-147

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Lindsay P. Madden (Licensee) is a Registered Nurse and Family Nurse Practitioner in the State of Oregon.

This Matter was considered by the Board on January 19, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender signed by Licensee on December 28, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on December 28, 2010 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Registered Nurse license and Family Nurse Certificate of Lindsay P. Madden is surrendered as set forth in the Stipulation.

DATED this _____ day of January 2011.

Patricia Markesino, RN
Board President