

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

AMY E. RICH, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: *ORDER 0003143*

Division of Legal Services and Compliance Case No. 13 NUR 704

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

Amy E. Rich, R.N.
8424 W. Clarke St.
Wauwatosa, WI 53226

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 E. Rich, R.N., (dob June 30, 1974) is licensed in the State of Wisconsin as a professional nurse, having license number 140874-30, first granted on June 10, 2002. This licensure expired on February 28, 2014 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8424 West Clarke Street, Wauwatosa, Wisconsin 53226.
2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital (Hospital) located in Milwaukee, Wisconsin.

3. On November 14, 2013, Respondent was observed leaving an employee restroom and blood splatter was found in the sink.

4. A review of Respondent's Pyxis® access reports revealed irregularities in Respondent's documentation regarding fentanyl, Percocet®, hydromorphone, and oxycodone that she had removed. For example:

- a. On November 3, 2013, Respondent removed 2mL (100 mcg) of fentanyl. Respondent administered 25 mcg. Respondent failed to document wasting the remaining 75 mcg of fentanyl.
- b. On November 3, 2013, Respondent documented wasting 2000 mcg of fentanyl IV. The current order and the eMAR reflected that the IV was still running.
- c. On November 5, 2013, Respondent removed Percocet® for a patient. Respondent failed to document administration in the patient record.
- d. On November 9, 2013, Respondent dispensed a fentanyl drip for a patient. Respondent failed to document administration in the patient record.
- e. On November 12, 2013, Respondent dispensed a syringe of hydromorphone for a patient. Respondent failed to document administration in the patient record.
- f. On November 12, 2013, Respondent dispensed a tablet of oxycodone for a patient. Respondent failed to document administration in the patient record.

5. On November 14, 2013, Respondent admitted to diverting fentanyl and Dilaudid® daily for her own use. Respondent stated the diversion had been going on about a month. Respondent admitted to injecting herself while on duty.

6. Respondent has entered treatment and therapy for her drug addiction.

7. Respondent has informed the Department that she no longer wishes to practice nursing and, therefore, wishes to voluntarily surrender her license to practice professional nursing in the State of Wisconsin.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing 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. Pursuant to Wis. Stat. § 961.16(2)(a)11., oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. Pursuant to Wis. Stat. § 961.16(2)(a)8., hydromorphone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

4. Pursuant to Wis. Stat. § 961.16(3)(f), fentanyl is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

5. Dilaudid® is a brand name for hydromorphone. Pursuant to Wis. Stat. § 961.16(2)(a)8., hydromorphone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

6. Percocet® contains oxycodone. Pursuant to Wis. Stat. § 961.16(2)(a)11., oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

7. By the conduct described in the Findings of Fact, Amy E. Rich, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § 7.04(2) by administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

8. As a result of the above conduct Amy E. Rich, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license, right to renew and privilege of Amy E. Rich, R.N., (license no. 140874-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. In the event that Respondent applies for licensure with the Department of Safety and Professional Services at any time in the future, Respondent shall pay COSTS of this matter in the amount of \$450.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN
A Member of the Board

Date 4/10/14

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMY E. RICH, R.N.,
RESPONDENT.

:
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:

STIPULATION

ORDER 0003143

Division of Legal Services and Compliance Case No. 13 NUR 704

Respondent Amy E. Rich, 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.

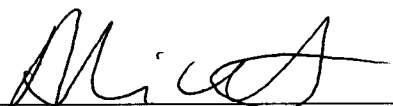
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

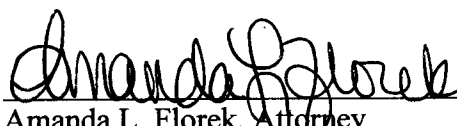
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. 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 E. Rich, R.N., Respondent
8424 W. Clarke St.
Wauwatosa, WI 53226
License no. 140874-30

03/11/2014
Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

3/14/14
Date