

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

GAYLA D. NELSON, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004282

Division of Legal Services and Compliance Case No. 15 NUR 215

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

Gayla D. Nelson, R.N.
W2291 Nettleton Rd.
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. Respondent Gayla D. Nelson, R.N., (dob April 10, 1977) is licensed in the State of Wisconsin as a professional nurse, having license number 156309-30, first issued on September 12, 2006 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W2291 Nettleton Road, Marinette, Wisconsin 54143.

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

3. On April 3, 2015, Respondent was identified as a user of the Pyxis® medication dispensing system with a higher than average number of dispenses for narcotic medication.

4. A Hospital investigation revealed Respondent administered narcotic medication to patients outside the scope of physician orders.

5. A review of eight (8) patient narcotic medication administration records revealed the following:

Patient A:

- a. Patient A is prescribed Lortab® 1 - 10/325 mg tablet every six (6) hours, as needed.
- b. On March 13, 2015, at 4:00 a.m., Patient A received one (1) tablet of Lortab® from the night shift nurse.
- c. Respondent administered one (1) tablet of Lortab® at 8:32 a.m., 12:01 p.m. and 4:08 p.m.

Patient B:

- a. Patient B is prescribed Lortab® 2 - 5/325 mg tablets every six (6) hours, as needed.
- b. On March 9, 2015, at 4:35 a.m., Patient B received two (2) tablets of Lortab® from the night shift nurse.
- c. Respondent administered two (2) tablets of Lortab® at 7:44 a.m.

Patient C:

- a. Patient C is prescribed Percocet® 1 - 5/325 mg tablet every six (6) hours, as needed.
- b. On March 9, 2015, Respondent administered one (1) tablet of Percocet® at 8:08 a.m. and 12:07 p.m.

Patient D:

- a. Patient D is prescribed Lortab® 1 - 5/325 mg tablet every four (4) to six (6) hours, as needed.
- b. On March 13, 2015, Respondent administered one (1) tablet of Lortab® at 8:54 a.m. and 12:07 p.m.

Patient E:

- a. Patient E is prescribed Percocet® 1 - 5/325 mg tablet every four (4) hours, as needed.
- b. On March 21, 2015, at 5:30 a.m., Patient E received one (1) tablet of Percocet® from the night shift nurse.
- c. Respondent administered one (1) tablet of Percocet® at 9:12 a.m., 12:10 p.m., and 3:54 p.m.

Patient F:

- a. Patient F is prescribed Percocet® 1 - 5/325 mg tablet every six (6) hours, as needed.
- b. On March 17, 2015, Respondent administered one (1) tablet of Percocet® at 8:00 a.m. and 12:49 p.m.

Patient G:

- a. Patient G is prescribed Lortab® 1 - 10/325 mg tablet every six (6) hours.
- b. On March 17, 2015, Respondent administered one (1) tablet of Lortab® at 11:22 a.m., 2:23 p.m., and 6:04 p.m.

Patient H:

- a. Patient H is prescribed Lortab® 1 - 5/325 mg tablet every four (4) hours, as needed, and Percocet® 1 - 5/325 mg one (1) tablet every four (4) hours, as needed.
2. On March 30, 2015, at 7:56 a.m., Patient A's Lortab® and Percocet® were discontinued.
3. At 8:08 a.m., Respondent administered one (1) tablet of Lortab® and one (1) tablet of Percocet®.

6. In her June 22, 2015 response to the Department investigator, Respondent acknowledges that she administered narcotic medications to patients outside of a physician's orders and understands that in the future she must obtain a change in the order from the physician before administering medications.

7. 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. Lortab® contains hydrocodone. Pursuant to Wis. Stat. § 961.16(2)(a)7., hydrocodone 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. Percocet® contains oxycodone. Pursuant 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).
4. By the conduct described in the Findings of Fact, Gayla D. Nelson, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.03(1)(e), by practicing beyond the scope of practice permitted by law.
5. By the conduct described in the Findings of Fact, Gayla D. Nelson, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.
6. By the conduct described in the Findings of Fact, Gayla D. Nelson, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.
7. As a result of the above conduct, Gayla D. Nelson, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Gayla D. Nelson, R.N., is REPRIMANDED.
3. The professional nursing license issued to Gayla D. Nelson, R.N., (license number 156309-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete six (6) hours of education on the topic of medication errors, five (5) hours of education on the topic of documentation, and five (5) hours of education on the topic of professional accountability and legal liability for nurses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

5. Within 120 days from the date of this Order, Gayla D. Nelson, R.N., shall pay COSTS of this matter in the amount of \$2,450.00.

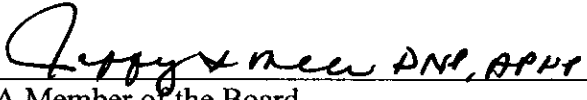
6. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 156309-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:  DNP, APRN
A Member of the Board

10-8-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GAYLA D. NELSON, R.N.,
RESPONDENT.

:
:
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:
:

STIPULATION

0004282

Division of Legal Services and Compliance Case No. 15 NUR 215

Respondent Gayla D. Nelson, 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.

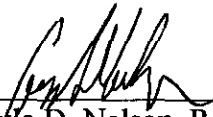
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

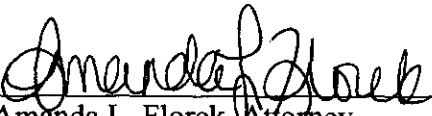
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Gayla D. Nelson, R.N., Respondent
W2291 Nettleton Rd.
Marinette, WI 54143
License no. 156309-30

8/12/15

Date



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

8/14/15

Date