

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STACEY N. COLYER, R.C.P.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007444

Division of Legal Services and Compliance Case No. 20 MED 287

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

Stacey N. Colyer, R.C.P.
Wausau, WI 54403

Wisconsin Medical Examining Board
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 Medical Examining Board (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 Stacey N. Colyer, R.C.P., (Year of Birth 1976) is licensed in the state of Wisconsin as a respiratory care practitioner, having license number 4080-28, first issued on February 1, 2011, and currently expired as of August 30, 2020. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her license upon payment of a fee until August 30, 2025.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wausau, Wisconsin 54403.

3. At all times relevant to this proceeding, Respondent was employed as a respiratory care practitioner at a hospital in Antigo, Wisconsin (Hospital).

4. The Department's Division of Legal Services and Compliance opened this matter to investigate allegations that Respondent was impaired during her shift at the Hospital on April 26, 2020.

5. On May 5, 2020, the Hospital received the results of Respondent's drug test, which were positive for heroin, fentanyl, cocaine, hydromorphone, and morphine. The Hospital terminated Respondent's employment on May 6, 2020.

6. Respondent denies having ingested any drugs and claims they got into her system after she cleaned up drugs left by other people in her home.

7. Respondent no longer practices as a respiratory care practitioner in Wisconsin and has relocated to Kentucky. Respondent entered into an Agreed Order with the Kentucky Board of Respiratory Care for a six-month suspension of her Kentucky license and one-year probation, including one year of monitoring and drug testing, based on the aforementioned drug test results.

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 Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) 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 violated Wis. Admin. Code § Med 10.03(2)(a) by practicing or attempting to practice under any license when unable or unwilling to do so with reasonable skill and safety.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Med 10.03(2)(e) by administering, dispensing, prescribing, supplying, or obtaining a controlled substance as defined in s. 961.01(4), Stats., other than in the course of legitimate professional practice, or as otherwise permitted by law.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT SURRENDER by Stacey N. Colyer, R.C.P., of her license to practice as a respiratory care practitioner in the state of Wisconsin (license number 4080-28), and her appurtenant right to renew said license, are accepted.

3. This surrender constitutes Respondent's permanent relinquishment of her license to practice as a respiratory care practitioner in the state of Wisconsin, and any appurtenant right to renew said license. The Board will not, at any time in the future, process or otherwise consider an

application or attempt at renewal by Respondent of credentials necessary to practice as a respiratory care practitioner in the state of Wisconsin.

4. If Respondent ever seeks any other license under Wis. Stat. chs. 440-480, Respondent shall, as a prerequisite to application, pay the COSTS of this matter in the amount of \$940.00.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wacker, MD
A Member of the Board

16 June 2021

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STACEY N. COLYER, R.C.P.,
RESPONDENT.

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STIPULATION

ORDER 0007444

Division of Legal Services and Compliance Case No. 20 MED 287

Respondent Stacey N. Colyer, R.C.P., 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 Medical Examining Board (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.

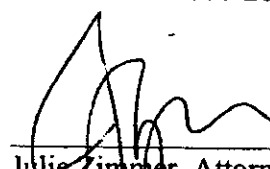
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



5/26/2021

Stacey N. Colyer, R.C.P., Respondent
Wausau, WI 54403
License No. 4080-28

Date



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

Date

5/26/2021