

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
MICHAEL J. FIFAREK, R.N., :
LICENSEE. : **ORDER 0007637**

Division of Legal Services and Compliance Case No. 20 NUR 091

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

Michael J. Fifarek, R.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. Michael J. Fifarek, R.N. (Licensee), (Year of Birth 1966) is licensed in the state of Wisconsin as a registered nurse, having license number 193723-30, first issued on February 5, 2013, and current through February 28, 2022. Licensee'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, Licensee was employed as a registered nurse at a juvenile detention center located in Racine, Wisconsin (Facility).
3. On February 2, 2020, Licensee administered the wrong medications to two patients. Licensee gave medication to the first patient. When Licensee was administering medication to the

second patient, that patient stated it was the incorrect medication. As this appeared to be the result of a medication error with the first patient, Licensee returned to the first patient and administered the correct medication. Licensee then went to the medication office and retrieved half of the second patient's dose to administer the correct dosage to the second patient.

4. Licensee did not document the administration of the medications in either patient's chart or complete medication error forms for the incidents.

5. Licensee was terminated from the Facility for failing to properly document the incidents, for not being forthright about the incidents, for failing to call the provider, and for changing a physician's order to "balance things out."

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

CONCLUSIONS OF LAW

1. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Licensee shall at their own expense take and successfully complete three (3) hours of education on the topic of medication administration and documentation, and three (3) hours of education on the topic of medication error procedures, as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee 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 and may not be used in any future attempt to upgrade a credential.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

3. Requests for course approval and proof of successful course completion shall be sent by Licensee 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dpsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By: *Joseph Galtański*
A Member of the Board

10/14/2021
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

RECEIVED

AUG 30 2021

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF THE LICENSE OF

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:
:

STIPULATION

MICHAEL J. FIFAREK, R.N.,
LICENSEE

ORDER 0007637

Division of Legal Services and Compliance Case No. 20 NUR 091

Michael J. Fifarek, R.N. (Licensee) 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee 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. Licensee 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 Choose an item. 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 Licensee, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Michael J. Fifarek, R.N., Licensee
Marinette, WI 54143
License No. 193723-30

24 Aug 21
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

9/1/2021
Date