

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

DEVON W. DELOY, R.N.
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008099

Division of Legal Services and Compliance Case No. 21 NUR 393

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

Devon W. Deloy, R.N.
Reeseville, WI 53579

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 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 Devon W. Deloy, R.N., (Year of Birth 1981) is licensed in the state of Wisconsin as a registered nurse, having license number 247901-30, first issued on November 1, 2019 and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Reeseville, Wisconsin 53579.

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a hospital located in Madison, Wisconsin (Facility).

3. On February 16, 2021, Respondent charted she administered two vials of oxycodone to Patient A. However, later that day, a nurse manager witnessed a full vial of

oxycodone fall out of Respondent's scrubs. When the nurse manager asked about the vial, Respondent stated that she inadvertently administered only one vial to Patient A. The vial from Respondent's scrubs was returned to storage.

4. That same day, Respondent reported to the nurse manager that she lost an oxycodone tablet in Patient B's room. Respondent and another nurse searched the room and did not find the tablet. During an investigation into the missing tablet, Patient B stated that he never requested or received any narcotics since his arrival at the Facility.

5. That same day, Respondent dispensed two 5mg oxycodone tablets for Patient C, but only documented administering 5mg of oxycodone. The remaining 5mg tablet was not documented as wasted or returned.

6. On February 23, 2021, while working at the Facility, Respondent dispensed two 5mg Oxycodone tablets for Patient D from the AcuDose dispensing system. However, Patient D was discharged from the Facility the previous day.

7. That same day, Respondent provided a urine sample that tested positive for oxycodone and oxymorphone. This sample was retested on March 22, 2021 for oxycodone only and came back positive.

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

CONCLUSIONS OF LAW

1. The Board 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. By the conduct described in the Findings of Fact, dispensed any drug other than in the course of legitimate practice or as otherwise prohibited by law within the meaning of Wis. Admin. Code § Wis. Admin. Code § N 7.03(8)(b).

3. By the conduct described in the Findings of Fact, obtained, possessed, or attempted to obtain or possess a drug without lawful authority within the meaning of Wis. Admin. Code § Wis. Admin. Code § N 7.03(8)(e).

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c), and (d), and Wis. Admin. Code. § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her license to practice as a registered nurse in the state of Wisconsin (license no. 247901-30), as well as her right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,126.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. Respondent shall not petition the Board for reinstatement for at least one year from the date of this Order. If the Respondent petitions for reinstatement after one year, whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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
DPSMonitoring@wisconsin.gov

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

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

WISCONSIN BOARD OF NURSING

By: Robert Weirman TW-CCHP Date 8/11/2022
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEVON W. DELOY, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008099

Division of Legal Services and Compliance Case No. 21 NUR 393

Respondent Devon W. Deloy, 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

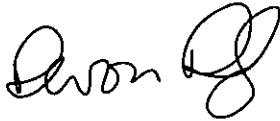
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



Devon W. Deloy, R.N., Respondent
Reeseville, WI 53579
License No. 247901-30

06/22/22

Date



Nicholas Dalla Santa, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

June 27, 2022

Date