

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 :
 : FINAL DECISION AND ORDER
AMELIA K. FAY, R.N., :
RESPONDENT. :

ORDER 0008106

Division of Legal Services and Compliance Case No. 21 NUR 809 and 22 NUR 172

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

Amelia K. Fay, R.N.
Colorado Springs, CO 80920

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 Amelia K. Fay, R.N., (Year of Birth 1974) is licensed in the state of Wisconsin as a registered nurse, having license number 220156-30, first issued on December 5, 2014. This license was changed to "Inactive" on October 12, 2017, and has a renewal date of February 28, 2018. Respondent retains the right to renew this license under Wis. Stat. § 440.08(3) through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Colorado Springs, Colorado 80920.

21 NUR 809

2. At all times relevant to this proceeding, Respondent worked as a registered nurse at a nursing home located in Colorado Springs, Colorado (Facility).

3. While working at the Facility, Respondent documented removal of medication, including controlled substances, on the narcotic log, but did not document administration on the medication administration log (MAR).

4. Respondent admitted to not documenting administration on the MAR because she believed she only needed to document removal on the narcotic log.

5. As a result, the Facility could not confirm whether patients received medications as ordered or what happened to the medications once removed.

6. On December 22, 2021, the Colorado Board of Nursing (Colorado Board) entered an order that admonished Respondent and ordered her to complete 10 hours of education related to medication and 10 hours of education related to documentation.

22 NUR 172

7. At all times relevant to this proceeding, Respondent worked as a registered nurse at a hospital located in Shenandoah, Iowa (Hospital).

8. On February 1, 2022, an employee of the Hospital reported that Respondent was slurring her words, appeared clammy, and was unsteady in her gait.

9. On that same date, Respondent removed morphine from the Hospital's Pyxis medication dispensing system and failed to document administration, waste, or return of the morphine. Respondent requested another nurse to sign off on her wasting morphine when the other nurse did not witness the waste.

10. The Hospital requested Respondent undergo a for-cause drug screen, but Respondent did not submit a sample.

11. The Hospital reviewed Respondent's narcotic dispensing records from January 28, 2022 through February 1, 2022, and discovered that on several occasions Respondent dispensed narcotic medications and failed to document administration, waste, or return of the medications.

12. On February 9, 2022, the Colorado Board issued an order requiring Respondent to undergo an evaluation. Prior to undergoing the evaluation, Respondent requested to relinquish her Colorado nursing license.

13. On February 28, 2022, the Colorado Board entered an order that permanently relinquished Respondent's Colorado license to practice professional nursing.

14. On March 18, 2022, in response to a request for information related to these disciplinary proceedings, Respondent indicated to the Department that she does not plan on renewing her Wisconsin license or practicing in Wisconsin for the indefinite future.

15. 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).

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. 220156-30), 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 \$390.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as a registered nurse, 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 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
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN BOARD OF NURSING

By: Robert Weirman RW-LHP Date 8/11/2022
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMELIA K. FAY, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008106

Division of Legal Services and Compliance Case Nos. 21 NUR 809 and 22 NUR 172

Respondent Amelia K. Fay, 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. Respondent is represented by Attorney Matthew Hand.

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 or Respondent's attorney, 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.

Amelia K. Fay
Amelia K. Fay (Jul 27, 2022 7:21 CDT)

Amelia K. Fay, R.N., Respondent
Colorado Springs, CO 80920
License No. 220156-30

Jul 27, 2022

Date

Matthew Hand

Matthew Hand, Attorney for Respondent
Law Office of Matthew Hand, L.L.C.
1733 High Street
Denver, CO 80218

7/26/22

Date

Nicholas Dalla Santa

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

7/28/2022

Date