

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :	
PROCEEDINGS AGAINST :	
	FINAL DECISION AND ORDER
BRENDA J. SCHNEIDER, LPN,	LS0305096NUR
RESPONDENT :	

Division of Enforcement Case No. 02 NUR 020

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Brenda J. Schneider
125 Hillside Avenue
Oconto Falls, WI 54154

Board of Nursing
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Brenda J. Schneider (D.O.B. 10/19/1965) is duly licensed as a licensed practical nurse in the state of Wisconsin (license #33240). This license was first granted on 09/08/1995.
2. Respondent’s most recent address on file with the Wisconsin Board of Nursing is 125 Hillside Avenue,

Oconto Falls, Wisconsin, 54154.

3. At all times relevant to this action, Respondent was working as a licensed practical nurse at Prevea Ashwaubenon Clinic, 760 Pilgrim Way, Green Bay, Wisconsin.

4. On an exact date or dates unknown but during December 2001, Respondent removed sample medications from the clinic medicine supply, including sample doses of Augmentin, Omnicef, Dynabac, Floxin, Sporanox, Biaxin and Serzone. Most but not all of these medications had passed their expiration date.

5. Previa routinely culled expired medications and sent them via carrier to a collection site for donation to charity for overseas use. Respondent contends that although she did cull expired sample medications from the clinics supplies, she removed the medications from the facility in error: at the time, she asserts that she thought she was only taking home packets of expired baby oatmeal.

6. Respondent did not have authority from Prevea to take possession of these medications.

7. Respondent stored the medications referred to in paragraph 4 above at her personal residence. The Division of Enforcement does not possess any evidence that Respondent personally used any of these medications.

8. Respondent still had possession of the medications on February 24, 2001, when she turned them over at the request of the Oconto Falls police.

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

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to sec. 441.07, Wis. Stats.

2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Wis. Stats.

3. The conduct described above, violated Wis. Admin. Code §N 7.04 (1), (13) and (15), and sec. 441.07(1)(d), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Brenda J. Schneider, LPN is hereby REPRIMANDED.

2. Respondent's Wisconsin license (#33240) of to practice as a licensed practical nurse in the state of Wisconsin is LIMITED as follows:

Required reporting

- a. For a period of at least one [1] year from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement.
- b. Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
- c. Respondent shall report to the Board any change of residence address or phone number, within five (5) days of any such change.
- d. Respondent shall notify the Department Monitor of any and all arrests and/or criminal charges filed against her during the time in which this Order is in effect. Notification shall occur within five (5) days of the arrest or issuance of charges and shall include sufficient information to the Monitor to obtain adequate background information on the incident reported.

Department Monitor

- e. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving reports and coordinating all requests for screens and/or other petitions. The Department Monitor may be reached as follows:

Department Monitor, Division of Enforcement

PO Box 8935,

Madison, WI 53708-8935

TEL. (608) 267-3817

FAX (608) 266-2264

Costs

3. Within sixty (60) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing partial COSTS of the investigation and prosecution of this action in the sum of THREE HUNDRED dollars (\$300.00). Payment shall be made by certified check or money order, made payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

Termination of restrictions

4. Upon completion of: one [1] year of complete, successful and continuous compliance with the terms of this Order that includes one [1] year of nursing employment under the terms of this Order; Respondent may petition the Board to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this

paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

SUMMARY SUSPENSION

5. In the event that Respondent fails to timely comply with the requirements set forth in paragraphs 1(b), (c) or (d), or 3 above, her Wisconsin license to practice as a practical nurse shall be SUSPENDED, without further notice or hearing, until she has complied with the terms of this Order. 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 pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. 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.

Effective date of Order

6. This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By: Linda Sanner	5-9-03
On behalf of the Board	Date