

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

Pamela J. Schmelzer
6308 Southern Cr.
Monona WI 53716

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. Pamela Jane Schmelzer, a/k/a Pamela Jane Smoler (dob: 1/8/56) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #77873. This license was first granted 10/17/80.
2. On or about 4/27/05, Respondent entered the bedroom of R.S., a former family member, and opened a prescription drug container which contained an oxycodone product, a Schedule II controlled substance, and which had been prescribed and dispensed to R.S., and examined the tablets in the container. Respondent had no legitimate nursing purpose in conducting this observation.
3. Following an evaluation at Connections Counseling, Respondent was not diagnosed with any substance abuse or related condition, although she does have chronic pain, anxiety, and post-traumatic stress disorder symptoms. Respondent has obtained appropriate care for these conditions, and undergone a period of monitoring including by urine drug screens, all of which were negative. The Board finds that the conduct set forth in par.2, above, is related to a longstanding family dispute, and is not indicative of future danger to the health, safety, or welfare of patients or the public.

CONCLUSIONS OF LAW

- A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07(1)(b),(c), and (d), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
- B. The conduct described in paragraph 2, above, violated Wis. Adm. Code § N 7.04(1), (2) and (15). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, Pamela J. Schmelzer, R.N., is REPRIMANDED for her unprofessional conduct in this matter.

IT IS FURTHER ORDERED, Respondent shall pay costs of \$1,200, to the Department of Regulation and Licensing, before January 5, 2010. In the event Respondent fails to timely submit full payment of costs, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid the costs in full, together with any accrued interest.

Dated at Madison, Wisconsin this May 1, 2008,

WISCONSIN BOARD OF NURSING, by:

Marilyn Kaufmann
Chairperson