

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	:	
	:	INTERIM ORDER OF SUSPENSION
THERESE A. SCHNEIDER, R.N.	:	LS09040213NUR
RESPONDENT.	:	

[Division of Enforcement Case No. 09 NUR 062]

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

Therese A. Schneider
c/o Attorney Robert J. Lightfoot II
Murphy Desmond S.C.
P.O. Box 2038
Madison, WI 53701-2038

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Division of Enforcement commenced this investigation on February 26, 2009. A formal complaint has not yet been filed. Subject to approval of the Board of Nursing, the parties in this matter agree to the terms and conditions of the attached Stipulation and Interim Order until a Final Decision and Order is entered or the case is closed. 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. Therese A. Schneider, R.N., Respondent, date of birth August 14, 1967, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 115967, which was first granted March 25, 1994.
2. Respondent's address of record with the Department of Regulation and Licensing is 100 Thackery Drive, Oshkosh, WI 54904.
3. During all times relevant to this matter, Respondent was employed as a registered nurse at Mercy Medical Center in Oshkosh, Wisconsin.
4. The Division of Enforcement received a report that, on January 23, 2009, at Mercy Medical Center, Respondent removed fentanyl from vials and partially replaced the fentanyl with sterile saline. Respondent then allegedly

returned the tampered vials to the Pyxis machine, knowing that the saline would be administered to surgical patients in place of fentanyl.

5. The Division's investigation is underway and continuing.
6. Respondent is currently involved in treatment to address chemical dependency issues.
7. The parties have agreed to an Interim Order of suspension.
8. Respondent's acceptance of this Interim Order is evidence that she accepts responsibility for her actions. This is the first time the Division received a complaint concerning Respondent's nursing license.

CONCLUSIONS OF LAW

The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulation for an Interim Order pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice as a registered nurse in the State of Wisconsin is suspended effective the date of this Interim Order. The suspension shall continue until the entry of a Final Decision and Order in this matter or until the investigative case is closed.

IT IS FURTHER ORDERED that, for the duration of this Interim Order, Respondent shall not engage in the practice of nursing, have direct contact with, see or treat patients, whether paid or unpaid, nor shall she hold herself out as one who practices nursing.

IT IS FURTHER ORDERED that, for the duration of this Interim Order, Respondent shall not seek or accept employment or volunteer work in which she has access to any controlled substance.

IT IS FURTHER ORDERED that, for the duration of this Interim Order, Respondent shall not perform any service, whether paid or unpaid, for any facility, agency, organization or service that is licensed, approved, certified or registered with the Department of Health and Family Services under chs. 48, 50, 51 and 146 Wis. Stats.

BOARD OF NURSING

By: Marilyn Kaufmann
A Member of the Board

4/2/09
Date

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 :
 :
THERESE A. SCHNEIDER, R.N., : STIPULATION TO
RESPONDENT. : INTERIM ORDER OF SUSPENSION
 : LS _____ NUR
 :

[Division of Enforcement Case No. 09 NUR 062]

It is hereby stipulated and agreed, by and between Therese A. Schneider, R.N., Respondent; Robert J. Lightfoot II of Murphy Desmond S.C., attorneys for Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement (Division), as follows:

1. Therese A. Schneider, R.N., Respondent, date of birth August 14, 1967, is licensed as a registered nurse in the state of Wisconsin pursuant to license number 115967, which was first granted March 25, 1994.
2. Respondent's address of record with the Department of Regulation and Licensing is 100 Thackery Drive, Oshkosh, WI 54904.
3. The Division's investigation is underway and continuing.
4. A Formal Complaint has not yet been filed.
5. Respondent is currently not practicing as a registered nurse and agrees that, while the Interim Order is in effect: (1) she will not have direct contact with, see or treat patients, whether paid or unpaid, as a registered nurse; (2) she will not engage in the practice of nursing; (3) she will not hold herself out as one who practices nursing; (4) she will not perform any service, whether paid or unpaid, for any facility, agency, organization or service that is licensed, approved, certified or registered with the Department of Health and Family Services under chs. 48, 50, 51 and 146 Wis. Stats.; (5) she will not accept employment or volunteer work in which she has access to any controlled substance.
6. Respondent understands that by signing this Stipulation providing for an Interim Order, Respondent voluntarily and knowingly waives significant rights, pertaining to the Interim Order only, including: 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 personally; 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

7. Respondent's Stipulation to the Interim Order does not compromise or in any way indicate an agreement to relinquish any and all rights in the event the Division files a Formal Complaint in this matter. In the event a formal complaint is filed, Respondent retains 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 personally; 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

8. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

9. Respondent agrees to the adoption of the attached Interim Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Interim 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.

10. 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 be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner.

11. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the 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 the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Interim Order.

12. Respondent is informed that should the Board adopt this Stipulation, the Board's Interim Order is a public record and will be published in accordance with standard Department procedure.

13. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Interim Order.

Therese A. Schneider, R.N.
Respondent
100 Thackery Drive
Oshkosh, WI 54904

Date

Robert J. Lightfoot II
Murphy Desmond, S.C.
Attorneys for Respondent
P.O. Box 2038
Madison, WI 53701-2038

Date

Sandra L. Nowack
State Bar No. 1025643
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935

Date

