

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

SUSAN K. SCHAFER, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: LS# 0812111 NUR

Division of Enforcement Case # 05 NUR 052, 05 NUR 196, and 08 NUR 226

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

Susan K. Schafer, R.N.
2930 Ruschfield Dr.
Oshkosh, WI 54904

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

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board of Nursing on December 11, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Susan K. Schafer, R.N., Respondent, date of birth July 3, 1950, is duly licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 30-60005, which was first granted on August 26, 1974.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2930 Ruschfield Drive, Oshkosh, Wisconsin, 54904.
3. On or about April 2, 2000, it was alleged that the Respondent reported to work as a nurse in an impaired state. Two co-workers referred to her behavior as "bizarre" and her speech as "nonsensical." She was driven home and not permitted to finish her shift. Respondent asserts that she believed she had cervical cancer and was emotionally distraught.
4. On or about December 5, 2002, Respondent was reprimanded by her employer for not responding in a reasonable time to a report of a patient suffering from chest pain and difficulty breathing. Another nurse was first notified of this medical situation, but did not respond. When she was notified of the situation, the Respondent reviewed the record for medical history, called for help, notified a doctor, and requested orders for treatment. The unit was short staffed due to a co-worker leaving early and the absence of a supervisor. Respondent also failed to document the situation in the patient's file until several days after the incident. The chart was unavailable to the Respondent on the day of the situation and the Respondent was off of work for three days thereafter. When the Respondent returned, the situation was documented. The patient suffered no harm as a result of any action or inaction by the Respondent.
5. On or about June 8, 2003, Respondent's husband called the police, stating that Respondent was hallucinating and intoxicated. The police officers heard Respondent speak of seeing things that were not there, and observed her appearing to attend to things that were not there. It was alleged that the Respondent appeared intoxicated. Respondent was cited for and convicted of operating a motor vehicle while intoxicated. Respondent had a previous conviction for operating while intoxicated in October of 2002. None of these incidents occurred during work time.
6. On or about January 19 2005, it was alleged that Respondent wrote a physician's order without authorization, and then administered a medication without authorization. After calling the doctor for clarification, the Respondent believed she had the authority to administer the medication. The patient suffered no harm as a result of these facts.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-6 above constitutes a violation of Wisconsin Administrative Code § N 7.03(1), (2) and (3) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. Susan K. Schafer, R.N. is REPRIMANDED.
2. The license of Susan K. Schafer, R.N. to practice nursing in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nursing Compact, is LIMITED as follows:
 - (a) Within ninety (90) days of the date of this Order, Respondent, at her own expense, shall undergo a psychological evaluation by a mental health professional with experience evaluating health care professionals with substance abuse and psychological issues.
 - i. Respondent shall select an evaluating psychologist who shall not have ever before treated Respondent and who must be approved by the Board before the evaluation is performed.
 - ii. The Division shall timely provide the evaluating psychologist with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent must provide the evaluating psychologist with access to any prior mental health or alcohol and drug treatment records. Respondent may provide the evaluating psychologist with any other information Respondent believes will be of assistance in performing the evaluation. If Respondent or the Division provides information to the evaluating psychologist, a complete copy of same must be provided to the other.
 - iii. Respondent shall authorize the evaluating psychologist to provide the Board, or its designee, and the Division with the evaluation report and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluating psychologist. If the Board reasonably objects to the adequacy or completeness of the report, then the Board shall notify Respondent of same and thereafter

shall have access to the materials used in performing the evaluation.

iv. The Board may reasonably limit Respondent's license to address any recommendation made by the evaluating psychologist. In the event that the evaluating psychologist is of the opinion that Respondent cannot safely practice nursing, the Board may suspend Respondent's license until such time as Respondent proves she is capable of safely practicing nursing.

v. If Respondent does not agree with any limitation imposed or maintained by the Board under paragraph 2(a)(iv), Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

- (b) Respondent, at her own expense, shall complete 6 hours of pre-approved continuing education in assessment and intervention for nurses, within 180 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval before taking the course and in sufficient time to obtain board approval within the 180 day time frame, taking into account the board's meeting schedule.
- (c) Respondent shall provide a copy of this Final Decision and Order to her supervisors at any nursing or caregiver-related employment within ten days of receipt by Respondent of the signed order, and prior to beginning any new employment. For a period of one and one-half (1.5) years 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, at P.O. Box 8935, Madison, WI, 53708-8935.
- (d) For a period of one and one-half (1.5) years from the date of this Order, Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting. Respondent's current place of employment, Fresenius Medical Services is approved, even though at times Respondent is

not under the direct supervision of a licensed nurse or other licensed health care professional.

- (e) Respondent shall notify the Department Monitor of any change of nursing 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 the reasons for the change.

3. Respondent shall, within one (1) year from the date of this Order, pay costs of this proceeding in the amount of Three Thousand and no/100 Dollars (\$3,000.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent violates the terms of this Order, including but not limited to failing to pay costs as ordered, failing to comply with the ordered continuing education, or failing to comply with any limitations on his license, the Respondent's license (#30-60005) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

1/28/10
Date