

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

STEPHANIE M. SCHWARTZ, L.P.N., :
RESPONDENT. :

Order 000075b

Division of Enforcement Case #09 NUR 20

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

Stephanie M. Schwartz
188 York St.
Sheboygan Falls, WI 53085

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. Stephanie M. Schwartz (D.O.B. 3/25/84) is duly licensed in the state of Wisconsin as a practical nurse (license # 306842). This license was first granted on 3/22/06.

2. On 5/24/10, Respondent was convicted in the Circuit Court for Sheboygan County, Wisconsin, of two counts of misdemeanor theft. Sentence was withheld and Respondent was placed on probation for 12 months, conditions of which included that she make restitution in the amount of \$4,009.36, report her conduct to the Board of Nursing, and pay costs. The basis for the conviction was that Respondent billed the Wisconsin Medical Assistance program for home nursing services to two patients which were in excess of those she actually provided, in 2008 and 2009.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(d), and Wis. Adm. Code § N 7.04(1), (13), and (15).

ORDER

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

1. The license of Stephanie M. Schwartz to practice as a nurse in the state of Wisconsin is **SUSPENDED** for thirty days, effective the first day of the month following the adoption of this order. The suspension shall continue until Respondent has demonstrated successful completion of all the following courses offered by the Learning Extension of the National Council of State Boards of Nursing (or their substantial equivalents which have been pre-approved by the Board or its designee):
 - Disciplinary Actions: What Every Nurse Should Know (4.8 hours)
 - Ethics of Nursing Practice (4.8 hours)
 - Professional Accountability & Legal Liability for Nurses (5.4 hours)

2. The license of Respondent is **LIMITED** in the following respects:
 - a. 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.
 - b. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
 - c. Respondent must obtain board approval prior to changing jobs.
 - d. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
 - e. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
 - f. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. It is a violation of this Order for the report to be unsatisfactory in any respect.
 - g. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

3. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

4. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others.
5. Every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.
6. 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. 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.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Wisconsin pursuant to a multistate licensure privilege without the written permission of the Wisconsin Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$400, within 120 days of this Order. If not paid, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until they are paid in full, including any accrued interest.

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

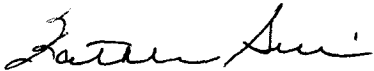
3-24-11
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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|----------------------------------|---|----------------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | |
| | : | SUPPLEMENTAL ORDER |
| STEPHANIE M SCHWARTZ, L.P.N., | : | ORDER 0000756 |
| RESPONDENT. | : | |

Division of Enforcement Case # 09 NUR 020

Whereas Respondent has presented affidavits that she, in good faith, began her thirty day suspension on March 1, 2011, based on representations by counsel that her stipulated order would be issued on February 25, 2011, IT IS ORDERED that the suspension referred to in the Board's March 24, 2011 Order will be served, retroactively, beginning March 1, 2011.



Kathleen Sullivan
Chair
Board of Nursing

3-24-11

Date