

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARGARET R. SCHMELING, R.N., N.H.A.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006723

Division of Legal Services and Compliance Case No. 19 NUR 403

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

Margaret R. Schmeling, R.N., N.H.A.
Fredonia, WI 53021

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Respondent Margaret R. Schmeling, R.N., N.H.A., (DOB: xx/xx/1959) is licensed in the state of Wisconsin as a registered nurse, having license number 114383-30, first issued on September 24, 1993, and expired as of March 1, 2020.¹ Respondent retains the right to renew her license until March 1, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Fredonia, Wisconsin.

2. At all times relevant to this proceeding, Respondent was working as a registered nurse at a nursing home facility located in Milwaukee, Wisconsin (Facility).

¹ Respondent is also licensed in the state of Wisconsin as a nursing home administrator, having license number 2186-65, first issued on August 21, 1986, and current through June 30, 2020.

3. On May 19, 2019, Respondent attended a care conference at the Facility for Patient A, a male born in 1928. With Respondent and others present, Patient A asked to change his code status from Do Not Resuscitate (DNR) to full code. Respondent was tasked with making the change in Patient A's medical chart but forgot to do so.

4. On June 11, 2019, Patient A was found unresponsive and because his chart still reflected DNR status, no resuscitation measures were attempted, and Patient A died.

5. Respondent denies any wrongdoing and the Board has not determined that Respondent engaged in unprofessional conduct. However, Respondent has retired from the practice of nursing and consents to the entry of the following Conclusion of Law and Order.

CONCLUSION 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 pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Respondent (license no. 114383-30) to practice professional nursing in the State of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact is hereby accepted.


3. In the event Respondent petitions the Board of Nursing for reinstatement as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. In the event Respondent petitions the Board for reinstatement of her license to practice nursing in the state of Wisconsin or applies for another credential in the state of Wisconsin, Respondent shall pay the costs of this matter in the amount of \$320.00 before any petition is considered.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

3/12/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARGARET R. SCHMELING, R.N., N.H.A.,
RESPONDENT.

STIPULATION

ORDER 0006723

Division of Legal Services and Compliance Case No. 19 NUR 403

Respondent Margaret R. Schmeling, R.N., N.H.A., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- 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 on Respondent's own behalf;
- 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 to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and 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.

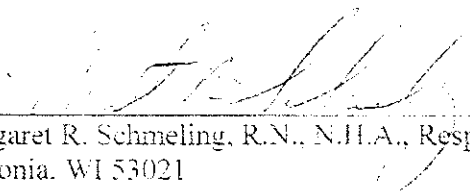
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

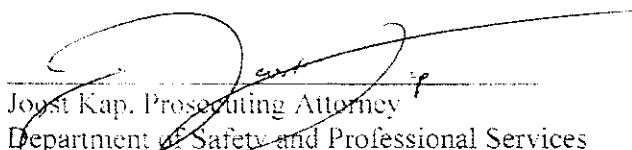
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

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

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Margaret R. Schmeling, R.N., N.H.A., Respondent
Fredonia, WI 53021
License No. 114383-30

2/27/20
Date


Joost Kap, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

2/27/20
Date