

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) CORRECTED
) STIPULATED ORDER FOR
WENDI ANNE SCHAEFER, RN) THREE (3) MONTH SUSPENSION OF
) RN LICENSE WITH CONDITIONS
) FOLLOWED BY PROBATION
License No. 091007383RN) Reference No. 12-02380

This stipulated order corrects errors in a previously issued order dated July 17, 2013.

The Oregon State Board of Nursing, (Board) is the state agency responsible for the licensure and regulation of registered nurses in the State of Oregon. Wendi Anne Schaefer (Licensee) is a registered nurse in the State of Oregon. The Board first issued her RN license on December 10, 1991.

In 2010, Licensee entered into an agreement with an elderly person (CC) to provide private home health care services to him. Licensee was hired by CC to provide him with assistance/monitoring of his medications, help with bathing/hygiene and nail care and monitoring of CC's physical status and health conditions. Licensee was to communicate information regarding CC's physical condition and health needs with his healthcare providers and assist him to and from his medical appointments. Licensee also agreed to assist CC with completion tasks such as shopping and other general errands.

Licensee was hired by CC to provide services at the level of her licensure as an RN however, Licensee did not develop or implement a plan of care, failed to document her ongoing nursing assessments of CC, failed to document nursing care provided and any changes in CC's physical condition and made no record of communication she had with CC's healthcare providers. Additionally, Licensee did not document medication administration or other pertinent data. Licensee did not provide CC's caregivers with specific documented information regarding CC's needs, pertinent health information and what was expected of the caregivers while providing services to CC.

While employed by CC, Licensee failed to maintain professional nurse-client boundaries when she became CC's agent pursuant to a power of attorney. With this power, Licensee managed CC's financial matters which included administrative management of his in-home care staff. Licensee wrote checks on CC's account to include her own personal payroll checks and those of the other care-givers. On at least two occasions while employed by CC, Licensee borrowed money from CC or her own use and benefit.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f); and OAR 851-045-0070 (1)(a) and (c) and (e) and (n); (2)(g); (3)(a) and (b) and (h); (4) (b) constitute a grave danger to public health and safety. The violations read as follows:

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
- (f) Conduct derogatory to the standards of nursing.

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
 - (a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.
 - (c) Failing to develop, implement and/or follow through with the plan of care.
 - (e) Assigning persons to perform functions for which they are not prepared or which are beyond their scope of practice/scope of duties.
 - (n) Failing to maintain professional boundaries with a client.
- (2) Conduct related to other federal or state statute/rule violations:
 - (g) Soliciting or borrowing money, materials, or property from clients.
- (3) Conduct related to communication:
 - (a) Inaccurate recordkeeping in client or agency records.
 - (b) Incomplete recordkeeping regarding client care; including, but not limited, to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
 - (h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner;
- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the registered nurse license of Wendi Anne Schaefer be suspended for three (3) months, commencing on July 22, 2013, or five (5) business days from the date this Order is signed by the Oregon State Board of Nursing) whichever occurs later, and until she

complies with the following conditions:

1. **Licensee shall complete at least three (3) formal courses of study focusing on professional boundaries, documentation, and ethics in healthcare with at least four (4) continuing education credits per topic. The minimum requirements are as follows:**
 1. **Professional boundaries: 4 CEU**
 2. **Nursing documentation: 4 CEU**
 3. **Ethics in healthcare: 4 CEU**

Licensee may utilize in-person training or seminar, online training, teleconference, webinar or combination of learning methods in meeting the conditions of this stipulation.

Board staff must be made aware of and approve each course in advance.

Licensee shall provide proof of successful completion of these courses by providing the Board a copy of either a certificate of completion or an official transcript.

Licensee shall complete the courses of study and submit her completion certificates to the Board by January 22, 2014.

Following successful completion of the ordered 3 month suspension, the registered nurse license of Wendi Anne Schaefer will be placed on probation and her compliance with this agreement will be monitored by the Oregon State Board of Nursing. Licensee must complete a thirty six (36) month period of probation to begin upon successful completion of the ordered 3 month suspension. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the state of Oregon will not count toward the probationary period.

Licensee must comply with the following terms and conditions of probation:

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have forty-eight (48) months from the time she successfully completes her ordered 3 month suspension to complete the required thirty-six (36) months of monitored practice.
- 3) Licensee shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.

- 5) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the state and is unable to practice in Oregon, her probationary status will be re-evaluated.
- 6) Licensee shall present herself, in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence
- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a nurse executive, that person is to be informed of licensee's probationary status. The nurse executive will receive copies of this stipulated order if Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice until the report is received by the Board.
- 11) Between regular reporting periods, the nurse executive or comparable person shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this stipulation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to practice as a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall not work in any practice setting in which on-site supervision is not available. This generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent

consulting contracts, home hospice, and night shifts outside of acute care settings.

- 14) Licensee shall cease practicing as a nurse if there are concerns about her ability to practice safely or at the request of Board staff. Practice may resume when approved by the Board staff, in consultation with her employer.
- 15) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued, constitute a serious danger to public health and safety.

Licensee understands that in the future if Licensee is found guilty of conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a registered nurse.

Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulated Order.

Licensee understands that this Stipulated Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order.

Karen L. Costello, Attorney for Wendi A. Schaefer, RN Date

Wendi A. Schaefer, RN Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS Date
Board President