

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHERISH VAN SCHAİK, R.N.
License Number: 0001-135125
Case Number: 177240

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Cherish Van Schaik, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Van Schaik's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Cherish Van Schaik, R.N., was issued License Number 0001-135125 to practice professional nursing on September 15, 1993, which is scheduled to expire on December 31, 2017. Ms. Van Schaik also holds License Number 0024-171314 to practice as a nurse practitioner in the category of family in the Commonwealth of Virginia and License Number 0017-141362 for prescriptive authority. At all times relevant hereto, said licenses were in full force and effect. Her primary state of residence is Virginia.

2. Ms. Van Schaik violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that, in November 2014, she gave Xanax (alprazolam, C-IV) to Patient A, her minor son, on three isolated occasions, from a prescription she obtained for herself.

3. Ms. Van Schaik denies having mental health issues, but she had obtained a prescription for Xanax from a colleague to treat increasing personal anxiety related to her ongoing leukemia treatment and her son's declining health issues.

4. On November 24, 2014, Patient A was admitted to an acute psychiatric unit following a suicide attempt by overdose of Xanax. Patient A obtained the Xanax from his mother's prescription supply without her knowledge.

5. Ms. Van Schaik acknowledges that her actions constituted poor judgement, which will not be repeated.

6. Ms. Van Schaik submitted to the Board a current resume outlining her professional experience and five certificates documenting the completion of the following NCSBN courses: *Righting a Wrong: Ethics and Professionalism in Nursing; Professional Boundaries in Nursing, Professional Boundaries in Nursing, Evidence-based Practice, Nurse Practice Acts, and Professional Accountability and Legal Liability for Nurses.*

CONSENT

Cherish Van Schaik, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Suzanne Lim, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;

4. I waive my right to a formal hearing;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my license to practice professional nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Cherish Van Schaik, R.N., is REPRIMANDED.
2. Cherish Van Schaik, R.N., is placed on PROBATION for one year subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Cherish Van Schaik, R.N., has completed one year of active practice as a professional nurse or as a nurse practitioner.
 - b. The license shall be reinstated without restriction at the completion of the probationary period and upon completion of the probation terms unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 *et seq.*) and Virginia Code § 54.1-2400(9).
 - c. Ms. Van Schaik shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient

relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed. The Board of Nursing Compliance Department shall obtain a quarterly prescription monitoring program report regarding Ms. Van Schaik as a patient.

d. Ms. Van Schaik shall submit "Self Reports" which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Van Schaik has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the March, June, September, and December until is notified, in writing, that the reporting requirement is ended.

e. Ms. Van Schaik shall notify the Board within ten days, in writing, of any changes in the location of her practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment); change in address, telephone number, or e-mail address; or criminal charges or convictions.

f. Ms. Van Schaik shall provide her current and each future professional nursing employer at each practice location or assignment immediately upon employment with a copy of this Order in its entirety.

g. Ms. Van Schaik shall ensure that her employer shall provide quarterly reports to the Board regarding Ms. Van Schaik's clinical judgement, clinical performance, recordkeeping/documentation, and overall performance. The reports shall be submitted on a quarterly

basis to the Committee, with the first report due no later than 60 days from entry of this Order and subsequent reports due the last day of the months of March, June, September and December until Ms. Van Schaik is notified, in writing, that the reporting requirement is ended.

h. This Order is applicable to Ms. Van Schaik's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Van Schaik shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

i. Ms. Van Schaik shall, within 30 days of the date of entry of this Order: return all copies of her current license, along with any required fee, to the Board office, and the Board shall issue a license marked "Valid in Virginia Only: Probation with Terms."

j. Ms. Van Schaik shall sign all required medical releases and authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board and her employer(s) or potential or intended employer(s), and her current and future treating healthcare provider(s).

3. The terms of this Order are to be effective concurrently and operate in concert and conjunction with the Order entered the same date by the Committee of the Joint Boards of Nursing and Medicine regarding Ms. Van Schaik's license to practice as a nurse practitioner (0024-171314) and her prescriptive authority (0017-141362). Submission of a single Self-Report to the Board and the Committee of the Joint Boards shall constitute compliance with this Order.

4. Ms. Van Schaik shall bear any costs associated with the terms and conditions of this Order.

5. Ms. Van Schaik shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

6. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

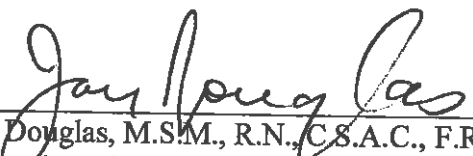
7. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Van Schaik and an administrative proceeding shall be held to determine whether to impose such action.

8. This Order shall remain in effect until the Board has notified Ms. Van Schaik in writing that she is released from all terms and conditions.

8. The Executive Director of the Board is authorized to issue an Order or letter acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Van Schaik's compliance with the foregoing conditions.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD


Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: May 12th, 2017

SEEN AND AGREED TO:

Cherish Van Schaik, RN
Cherish Van Schaik, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Henrico, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
10th day of May, 2017.



Kimberly Gilbert Beasley
Notary Public

My commission expires:

8/31/2017

Registration No.:

114588

Certified True Copy

By draham
Virginia Board Of Nursing