

**BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE**

**IN RE:           CHERISH VAN SCHAIK, L.N.P.**  
**a.k.a.  CHERISH DUCHENE**  
**CHERISH HEATH**  
**License Number:           0024-171314**  
**Authorization to Prescribe: 0017-141362**  
**Case Number:             164341**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”) and Cherish Van Schaik, L.N.P., 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 as a nurse practitioner in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.       Cherish Van Schaik, L.N.P., was issued License Number 0024-171314 to practice as a nurse practitioner in the category of family and License Number 0017-14362 for prescriptive authority on November 5, 2013. Said licenses are scheduled to expire on December 31, 2017. She also holds License Number 0001-135125 to practice professional nursing in the Commonwealth of Virginia. At all times relevant to the findings herein, said licenses were in full force and effect.

2.       Ms. Van Schaik violated Virginia Code § 54.1-3007(2) and (5), 18 VAC 90-30-330(4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners, 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 Committee of the Joint Boards 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, L.N.P., 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 Committee of the Joint Boards; 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 Committee of the Joint Boards is a party;
6. I consent to the entry of the following Order affecting my license to practice as a nurse practitioner in the Commonwealth of Virginia.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Committee of the Joint Boards hereby ORDERS as follows:

1. Cherish Van Schaik, L.N.P., is REPRIMANDED.
2. Cherish Van Schaik, L.N.P., 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, L.N.P., has completed one year of active practice 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 Committee of the Joint Boards 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 Committee of the Joint Boards 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 Committee of the Joint Boards, 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 Committee of the Joint Boards 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 collaborating physician immediately upon employment with a copy of this Order in its entirety.

g. Ms. Van Schaik shall ensure that the collaborating physician shall provide quarterly reports to the Committee of the Joint Boards 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 of the Joint Boards, 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. 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 Committee and her practice collaborating physician, her employer(s) or potential or intended employer(s), and her current and future treating healthcare provider(s).

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 of Nursing office, and the Committee of the Joint Boards shall issue a license marked "Valid in Virginia Only: Probation with Terms."

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 Board of Nursing regarding Ms. Van Schaik's license to practice professional nursing (0001-135125). 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 nurse practitioners 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 nurse practitioners shall constitute grounds for further disciplinary action.

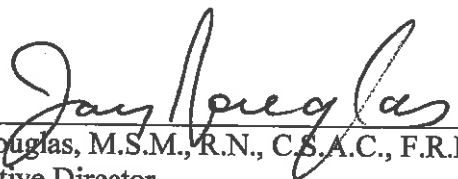
7. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Van Schaik and an administrative proceeding shall be held to determine whether to impose such action.

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

9. The Executive Director of the Board of Nursing 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 COMMITTEE:

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

ENTERED: May 12<sup>TH</sup>, 2017

SEEN AND AGREED TO:

  
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Cherish Van Schaik, L.N.P.

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

10<sup>th</sup> day of May 2017.

Kimberly Gilbert Bradley  
Notary Public



commission expires:

8/31/2017

Registration No.:

114588

**Certified True Copy**  
By drahan  
**Virginia Board Of Nursing**