

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LORA C. SCHWARZ, R.N.

ORDER

Pursuant to § 9-6.14:11 and §54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee of the Board of Nursing met on March 24, 1994, in Henrico County, Virginia, to receive and act upon evidence that Lora C. Schwarz, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. Schwarz was present and was not represented by counsel. Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusion of Law.

FINDINGS OF FACT

1. Lora C. Schwarz, R.N., holds License No. 0001-111738 issued by the Virginia Board of Nursing.

2. During the course of her employment with Childrens' Hospital of the Kings Daughters, Norfolk, Virginia, by her own admission, for several years up until January 1993, on divers occasions Ms. Schwarz diverted various amounts of Morphine, a Schedule II controlled substance, and Valium, a Schedule IV controlled substance, for her personal and unauthorized use. She stated she would divert the portion of the medication that was to be wasted.

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3. Ms. Schwartz testified to the Special Conference Committee that she never self-administered medications on duty or before reporting for duty.

4. On April 7, 1993, Ms. Schwarz was terminated after failing to administer a medication via the proper route, causing the patient to experience a respiratory arrest.

5. On November 5, 1992, Ms. Schwarz was counseled regarding her inability to complete assigned tasks, multiple medication administration errors, transcription errors, documentation and failing to change IV tubing per protocol.

6. From April 1993 to November 1993, Ms. Schwarz received intensive outpatient therapy with Thrasher-Faber Associates, Virginia Beach, Virginia.

7. Since April 1, 1993, Ms. Schwarz has received individual and group therapy with Claudia Brown, LCSW, Virginia Beach, Virginia.

8. Ms. Schwarz states she attends three (3) Alcoholics Anonymous or Narcotics Anonymous meetings per week. She does have a sponsor. She also attends Caduceus meetings twice a month.

9. Ms. Schwarz states a sobriety date of April 7, 1993.

10. Since August 1993, Ms. Schwarz has been employed at Edmarc, Portsmouth, Virginia. Her employer gives her an exemplary evaluation.

CONCLUSION OF LAW

Based upon Findings of Fact 2 through 5, the Board concludes that Lora C. Schwarz, R.N., has violated § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, and § 4.1B(3) and (5) of the Virginia Board of Nursing Regulations.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order hereby ORDERS that License No. 0001-111738 issued to Lora C. Schwarz, to practice professional nursing in the Commonwealth of Virginia, be placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is final and shall end upon completion of two (2) years of employment as a Registered Nurse.

2. All written reports required by this Order shall be sent to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

3. Ms. Schwartz shall inform her nursing employer and each future nursing employer that the Board has placed her license on probation and shall provide her employer with a copy of this Order. If, at any time, Ms. Schwartz is employed through a staffing

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agency, she shall inform her supervisor in each facility where assigned that her license is on probation.

4. Ms. Schwartz shall inform the Board in writing within ten (10) days of any change of employment including the name and address of the new employer as well as the date she began employment. Ms. Schwartz shall inform the Board in writing within ten (10) days of any interruption in nursing practice.

5. Ms. Schwartz shall direct her nursing employer to provide written nursing performance evaluations to the Board as stated in term number 2.

6. Ms. Schwartz shall continue in treatment until discharged and will direct the therapist to provide the Board with written progress reports as stated in term number 2. The therapist shall provide a written discharge summary when appropriate. Ms. Schwartz shall provide the therapist with a copy of this Order and authorize the therapist to communicate with the Board's representatives concerning her progress.

7. Ms. Schwartz shall direct the therapist to notify the Board if she withdraws from the treatment program before being discharged.

8. Ms. Schwartz shall be required to have supervised, unannounced drug screens and have all results sent to the Board as stated in term number 2. The Board shall be notified immediately in writing of any positive results or if Ms. Schwartz refuses to give a specimen for analysis as required by this Order.

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9. Ms. Schwartz shall continue to be active in Alcoholics Anonymous, Narcotics Anonymous and Caduceus with written reports of attendance by a sponsor sent to the Board as stated in term number 2.

10. Ms. Schwartz shall not use alcohol or any other mood altering chemical except as prescribed by a physician with whom she has established a genuine physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any medication such as a narcotic, depressant, tranquilizer, analgesic or stimulant, a written report from the prescribing physician shall be provided to the Board within ten (10) days of the date of the prescription.

11. Written reports shall be provided by Ms. Schwartz which will include her current address and current employment, if any. These reports shall be sent to the Board office as stated in term number 2.

12. Ms. Schwartz shall return all copies of her current license to practice professional nursing to the Board office within ten (10) days of the date of entry of this Order. Upon receipt of the old license and a \$10.00 fee, the Board shall issue a new license marked PROBATION WITH TERMS.

13. Lora C. Schwarz, as a Registered Nurse shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

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Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Schwarz, R.N., and a hearing shall be held to decide whether her license shall be revoked.

The Board shall issue a unrestricted license to Lora C. Schwarz, R.N., without a hearing at the completion of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia (1950), as amended.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspections or copying on request.

If Ms. Schwarz does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three-day period unless a request for a formal hearing

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is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in §9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD

Corinne F. Dorsey
Corinne F. Dorsey, R.N.
Executive Director

March 28, 1994
ENTERED

Received: March 28, 1994

By: Robert A. Nebiker
Robert A. Nebiker, Acting Director
Department of Health Professions

Certificate of Service

I hereby certify that a certified true copy of the Order was mailed on this day to Lora C. Schwarz, R.N., 7625 Sheryl Drive #188, Norfolk, Virginia 23505.

Corinne F. Dorsey
Corinne F. Dorsey, R.N.
Executive Director for the
Board of Nursing

March 29, 1994
DATE