

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JENNIFER SCHUDER, R.N.
License No.: 0001-246804

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on May 14, 2014 in Henrico County, Virginia. Jennifer Schuder, R.N., was not present nor was she represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Schuder was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Jennifer Schuder, R.N., was issued License No. 0001-246804 to practice professional nursing in Virginia on August 7, 2013. The license is scheduled to expire on September 30, 2014. Her primary state of residence is Virginia. Ms. Schuder previously held a certificate to practice as a nurse aide in Virginia, which expired on December 31, 1995.

2. By letter dated April 11, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Schuder notifying her that an informal conference would be held on May 14, 2014. The Notice was sent by certified and first class mail to 5268 Penny Lane, Roanoke, Virginia 24018, the address of record on file with the Board of Nursing. The Notice was also sent to 103 East Lee Avenue, Apt. B., Vinton, Virginia 24179, a secondary address. The certified mail receipt sent to the secondary

address was signed and returned to the Board office. The Notices sent by first class mail were not returned to the Board office. Ms. Schuder submitted a letter to the Board dated May 3, 2014, indicating that she would not be present for the informal conference. The Agency Subordinate concluded that adequate notice was provided to Ms. Schuder, and the informal conference proceeded in her absence.

3. By Consent Order entered July 19, 2013, the Board approved Ms. Schuder's application for licensure to practice professional nursing and reprimanded her based on findings that she had been convicted of three misdemeanors involving moral turpitude, to wit: shoplifting in 2010 and petit larceny and interfering with the property rights of another in 2002.

4. During the course of her employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia, on October 14, 2013, by her own admission, after failing to appear for three scheduled shifts, Ms. Schuder submitted a falsified e-mail message to the director of her unit indicating that she had been approved to take time off by a nursing recruiter in July 2013, when she had not actually received such approval.

5. Ms. Schuder's employment with Carilion, which began on August 12, 2013, was terminated on October 22, 2013, as a result of this incident.

6. Ms. Schuder's explanation for submitting a falsified record to her employer was not credible. She stated that she thought she had told the nursing recruiter in July 2013 that she needed to take time off in October 2013 and that the nursing recruiter would take care of informing her manager. She then altered the e-mail exchange between herself and the recruiter because she was afraid of being terminated. In a letter to the Board, she stated that she was "a brand new registered nurse; still in nursing student mode that already felt out of place in the OR. ... I went straight into panic mode when I was emailed by my supervisors asking why I was a no call-no show." She further stated, "I was scared, overwhelmed, and consumed by all of the sudden changes that were taking place, both personally and

professionally. I was in survival mode and I didn't have time to to consider what being a Registered Nurse really means..."

7. Ms. Schuder's conduct represents another incident in a long-term pattern of deceitful behavior.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Jennifer Schuder, R.N., is hereby REPRIMANDED.
2. License No. 0001-246804 of Jennifer Schuder, R.N. is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. At such time as Ms. Schuder submits documentation that she has completed the NCSBN course titled "Ethics of Nursing Practice," the license will be reinstated.
6. Ms. Schuder shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
7. Upon reinstatement of her license, Ms. Schuder shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 54.1-2400.2 of the Code, 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.

Since Ms. Schuder failed to appear at the informal conference, this Order shall be considered final. Ms. Schuder has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Schuder has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD:

for *Gloria Mitchell*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: *August 1, 2014*

Certified True Copy

By *[Signature]*
Virginia Board of Nursing