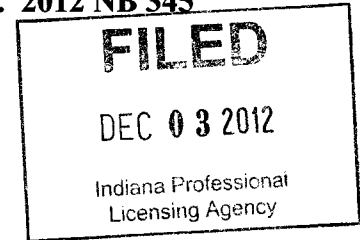


**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO. 2012 NB 345**

**IN THE MATTER OF THE LICENSE OF:)
NICOLE E. SCHAEFER, L.P.N.)
LICENSE NUMBER: 27053907A)**



**NOTICE OF PROPOSED DEFAULT
AND
SUMMARY SUSPENSION EXTENSION ORDER**

A disciplinary hearing was scheduled to be held on November 15, 2012, before the Indiana State Board of Nursing (“Board”) in the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Administrative Complaint filed on August 1, 2012, against the Practical Nurse license of Nicole E. Schaefer, L.P.N., (“Respondent”).

Mark E. Mader, Deputy Attorney General represented the State of Indiana (“Petitioner”). Respondent failed to appear in person or by counsel.

NOTICE OF PROPOSED DEFAULT

The Board, after taking official notice of its file in this matter and pursuant to Ind. Code § 4-21.5-3-24, by a vote of 5-0-0, issues a Notice of Proposed Default on the following grounds:

1. Respondent’s address on file with the Board is 5801 Peshewa Court, Kokomo, Indiana 46902 and she is a Licensed Practical Nurse holding Indiana license number 27053907A.
2. Petitioner filed an Administrative Complaint against Respondent’s Indiana nursing license in this matter on or about August 1, 2012.
3. On October 25, 2012, the Indiana Professional Licensing Agency (“IPLA”) sent a notice to Respondent at her last reported address, informing Respondent of the date, place, and time of the disciplinary hearing scheduled for November 15, 2012 at 9:00 am at the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204. IPLA sent

said notice pursuant to statute to Respondent's address filed with the Board, by United States mail.

4. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the administrative hearing date and failed to appear for said hearing scheduled on November 15, 2012.

NOTICE OF PROPOSED DEFAULT ORDER

For the Respondent's failure to appear for the hearing scheduled on November 15, 2012, the Board issues the following Notice of Proposed Default Order:

In accordance with Ind. Code § 4-21.5-3-24, the Respondent must file a written motion within seven (7) days of service of this Order requesting the Board not enter a default order in this case and stating the reasons relied upon for that request. Failure of the Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If the Respondent timely files a motion, the Board shall consider said motion along with any relevant facts in determining whether it should entered a default order. Should the Board enter a default order against the Respondent's license, the Board may hold further proceedings it deems appropriate to complete this case without the participation of the Respondent.

SUMMARY SUSPENSION EXTENSION ORDER

This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code § 4-21.5-4-3 *et seq.*, and Ind. Code § 25-1-9-10.

1. Respondent's address on file the Indiana Professional Licensing Agency ("IPLA") is 5801 Peshewa Court, Kokomo, Indiana 46902, and she is a Licensed Practical Nurse in the State of Indiana, having been issued license number 27053907A.

2. On December 28, 2011, the nurse manager for the Wabash County Hospital ("Wabash Hospital") Emergency Room, Wabash, Indiana, contacted the Indiana State Nurses Assistance Program ("ISNAP") to refer Respondent. Wabash Hospital reported Respondent came into the Wabash Hospital complaining of abdominal pain and vomiting. Respondent displayed erratic behavior, yelling, screaming and generally just acting out. A urine drug screen ("UDS") was then performed for diagnostic purposes. It was positive for Methadone and Tetrahydrocannabinol ("THC").

3. Respondent's boyfriend was in and out of the room during Respondent's stay in the emergency room. When the nurse left Respondent's room to get Respondent's medicine, Respondent's boyfriend was in the room. When she returned to the room with Respondent's medicine, Respondent was sedate and calm. Respondent had disconnected her IV and declined her medicine. Respondent then proceeded to check herself out of the hospital against medical advice and disappeared from the emergency room.

4. Hospital personnel then discovered Respondent at the 2nd floor nursing station "talking out of her head" about working until 4:00 p.m. Respondent had previously been employed by Wabash Hospital. The nursing station nurse left the desk area to contact security and when she returned, Respondent was no longer there.

5. Hospital personnel later found Respondent asleep in the hospital's lobby. When awakened, she stated she was waiting on her husband's airplane to land and there was no law against sleeping at the airport. Hospital authorities contacted Respondent's daughter approximately two (2) hours later who took Respondent from the Hospital.

6. On December 12, 2011, ISNAP notified Respondent by letter that it had received a complaint against her as a practicing nurse in Indiana. ISNAP's letter advised Respondent that

she was responsible by Indiana statute to respond to the allegations made against her. ISNAP's letter further advised Respondent that should she not contact ISNAP within five (5) business days, it would forward the allegations against Respondent to Petitioner.

7. ISNAP is the monitoring system implemented by the Board to monitor impaired nurses in order to assure the public that nurses assessed with alcohol or drug addictions are not a threat to the public health and safety if the Board permits them to continue to practice nursing.

8. On December 19, 2011, ISNAP closed Respondent's file and referred her case closure to IPLA and Petitioner for Respondent's failure to contact ISNAP within the time frame listed in ISNAP's notification letter.

9. Respondent's behavior on December 8, 2011, indicates a likely probability that Respondent suffers from drug induced impairment. Respondent failed to respond to ISNAP's notification letter in violation of Indiana statutes and rules. Respondent's omissions and commissions indicate she is an impaired nurse. Without a monitoring system in place, an impaired nurse is a threat to the public health and safety if permitted to practice nursing.

10. On August 1, 2012, Petitioner filed a Petition for the Summary Suspension and an Administrative Complaint against Respondent's nursing license.

11. On August 16, 2012, after a hearing on the matter, the Board found that an emergency existed and that Respondent represented a clear and immediate danger to the public health and safety if allowed to continue to practice as a Practical Nurse in the State of Indiana and by a vote of 8-0-0, ordered the Summary Suspension of Respondent's Indiana nursing license for ninety (90) days.

12. On October 18, 2012, after a hearing on the matter, the Board found that an emergency continued to exist and that Respondent represented a clear and immediate danger to

the public health and safety if allowed to continue to practice as a Practical nurse in the State of Indiana and by a vote of 7-0-0, ordered the Summary Suspension Extension of Respondent's license for an additional ninety (90) days.

13. Petitioner has received no additional evidence other than that previously presented to the Board on August 16, 2012 and October 18, 2012, or that is contained in the Board's file that Respondent does not continue to represent a clear and immediate danger to the public health and safety if allowed to continue to practice nursing in Indiana.

14. Respondent continues to represent a clear and immediate danger to the public health and safety if allowed to continue to practice nursing in Indiana and the Board extends Respondent's Emergency Suspension for an additional ninety (90) days or until the matter is heard by the Board and the Board enters a new order.

WHEREFORE, RESPONDENT IS ORDERED to continue to cease and desist all acts constituting the practice of Nursing for an additional period of ninety (90) days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall surrender all indicia of licensure, including her pocket license and wall license, to the Board at the following address:

Indiana Professional Licensing Agency
Attn: Nursing, Group 2
402 West Washington Street, Room W072
Indianapolis, IN 46204

SO ORDERED, this 03 day of December, 2012; this Order is effective as of the 15th day of November, 2012.

INDIANA STATE BOARD OF NURSING

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Notice of Proposed Default and Summary Suspension Order" has been duly served upon:

Nicole E. Schaefer
258 Washington Street
Wabash, Indiana 46992-2844
Service by U.S. Mail

Nicole E. Schaefer
5801 Peshewa Court
Kokomo, Indiana 46902
Service by U.S. Mail

Mark E. Mader
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770
Email: mmader@atg.in.gov
Service by Email

12.3.12

Date

Lisa Chapman
Signature

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2043
Fax: 317-233-4236
Email: pla2@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.