



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Stephanie A. Thomas
Executive Director of the Board

Enforcement Case Files - Detailed Information

3/22/2022

Log Number:	W0090544	RN LicNumber:	916512	Last Name:	SCHWARZ	SS-Number:	268
Open Date:	9/23/2020	LVN LicNumber:	0	First Name:	TAMARA	Birthdate:	8/25/1974
Other Id:		APRN LicNumber:	AP134034	Middle Name:	JOY		
Stamp Date:	9/22/2020	Rx Auth. Number:		Confidential Case:			

Priority:	3	Investigator:	(CHRISTENW) - 153	Type of Case:	GENERAL	Next Letter Due:	3/1/2021
Criminal History Indicator:		TERCAP ID:	2020090544	Send Complainant Letter?	N		
Inv Closed:	6/17/2021	Chgs Filed:		Attorney:		Send Nurse Letter to:	
Informal:		ALJ Date:				Informal Recommendations	
Case Closed:	7/22/2021	ALJ - PFD:		Action:	-		
Action:				VS - VOLUNTARY SURRENDER			

Complainant Information:

Source:	018 - OTHER	Title2:	
First Name:		Cmpl Work:	TBON
Last Name:		Address1:	
LN Suffix:		Address2:	
Title1:		City, State, Zip:	

Alternative Nurse Address:

First Name:		Address1:	
Last Name:		Address2:	
City, State, Zip:			

Cijis address:

Operator Id:	JESSICAS	Updated:	08/12/2021	LVN CaseLog Reference Number:	
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BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP134034	§	
& Registered Nurse License Number 916512	§	
issued to TAMARA JOY SCHWARZ	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TAMARA JOY SCHWARZ, Advanced Practice Registered Nurse License Number AP134034, and Registered Nurse License Number 916512, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(8), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 17, 2021.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Anesthetist without Prescription Authorization is in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from Case Western Reserve University, Cleveland, Ohio, on May 1, 1996. Respondent completed a Nurse Anesthetist Program from University of Michigan Flint, Flint, Michigan, on August 22, 2003. Respondent was licensed to practice professional nursing in the State of Texas on February 3, 2017. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist on May 25, 2017.

5. Respondent's nursing employment history is unknown.
6. On or about August 6, 2020, Respondent was issued a Consent Order and Stipulations by the State of Michigan Department of Licensing and Regulation Affairs, Bureau of Professional Licensing Board of Nursing Disciplinary Subcommittee. A copy of the Consent Order is attached and incorporated herein by reference as part of this Order.
7. On or about April 27, 2021, Respondent was issued a Final Order by the State of Florida Board of Nursing, Tallahassee, Florida, where her license was Reprimanded and assessed costs of \$100.70. A copy of the Final Order is attached and incorporated herein by reference as part of this Order.
8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states she has completed inpatient treatment at Parkdale Treatment Center for Professionals in Chesterton Indiana, as well as outpatient treatment at 7 Summit Pathways in Tampa, Florida. Respondent states she self-reported to both Michigan and Florida and is currently being primarily monitored by the Florida IPN monitoring program and secondarily monitored by Michigan's HPRP program under a five (5) year contact. Respondent states she has been in compliance with her program including complete sobriety and positive quarterly reports from her Director of Nursing.
9. Respondent by her signature expresses her desire to voluntarily surrender the licenses.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP134034, and Registered Nurse License Number 916512, heretofore issued to TAMARA JOY SCHWARZ.
4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Advanced Practice Registered Nurse License Number AP134034, and

Registered Nurse License Number 916512 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice advanced practice registered nursing, use the title "advanced practice registered nurse" or the abbreviation "APRN" or wear any insignia identifying herself/himself as an advanced practice registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

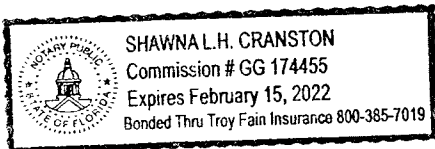
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of July, 2021.

Tamara Joy Schwarz
TAMARA JOY SCHWARZ, RESPONDENT

Sworn to and subscribed before me this 14 day of July, 2021.

SEAL



Shawna L.H. Cranston
Notary Public in and for the State of FL

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of July, 2021, by TAMARA JOY SCHWARZ, Advanced Practice Registered Nurse License Number AP134034, and Registered Nurse License Number 916512, and said Agreed Order is final.

Effective this 22nd day of July, 2021.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2020-29237

License No.: APRN 9289788

TAMARA JOY SCHWARZ, A.P.R.N.,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public telephonic meeting on April 8, 2021, for final agency action pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner was represented by Matthew Witters, Chief Legal Counsel, Florida Department of Health. Respondent was present.

Upon receipt of service of the Administrative Complaint, Respondent submitted an Election of Rights wherein Respondent did not contest the factual allegations contained in the Administrative Complaint and requested a Hearing Not Involving Disputed Issues of Material Fact before the Board.

The prosecuting attorney offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint and for the purposes of determining penalty. The investigative file was received into evidence. After a complete review of the record in this matter, including consideration of the Administrative Complaint, any written evidence or testimony, and any mitigating or aggravating circumstances, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact of the Board.
2. There is competent, substantial evidence to support the Board's findings and conclusions.

CONCLUSIONS OF LAW

3. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law of the Board.
4. The violation set forth in the Administrative Complaint warrants disciplinary action by the Board.
5. Based upon the Findings of Fact, the Board concludes that the licensee violated Section 464.018(1)(b), Florida Statutes, by having a license to practice nursing revoked, suspended, or otherwise acted against by the licensing authority of another jurisdiction.
6. The Board is empowered by Section 464.018(2) and/or 456.072(2), Florida Statutes, to impose a penalty against Respondent.

THEREFORE, IT IS ORDERED AND ADJUDGED, that:

7. **Reprimand.** Respondent's license to practice as a registered nurse shall be reprimanded.

RULING ON MOTION TO ASSESS COSTS

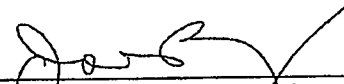
The Board reviewed Petitioner's Motion to Assess Costs, grants the Motion, and imposes the costs associated with the investigation and prosecution (excluding attorney time) of this case in the amount of **one hundred dollars and seventy cents (\$100.70)** to be paid within **12 months**

of the filing date of this Final Order. Payment of the costs shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C76, Tallahassee, FL 32399-3276, Attention: Nursing Compliance Officer. **Payment must be made by cashier's check or money order ONLY.** Personal checks will not be accepted.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 26th day of April, 2021.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Deborah McKeen, CD-LPN, BS, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF THE FILING DATE OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to: **Tamara Schwarz**, 12826 Sorrento Way, Bradenton, Florida 34211; and by email to: **Matthew Witters**, Chief Legal Counsel, Department of Health-PSU, Matthew.Witters@flhealth.gov; and **Deborah Loucks**, Senior Assistant Attorney General, Deborah.Loucks@myfloridalegal.com; on April 27, 2021.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,
PETITIONER,**

v.

CASE NO. 2020-29237

**TAMARA JOY SCHWARZ, A.P.R.N.,
RESPONDENT.**

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Tamara Joy Schwarz, A.P.R.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed advanced practice registered nurse (A.P.R.N.) within the state of Florida, having been issued license number APRN 9289788.

3. Respondent's address of record is 12826 Sorrento Way, Brad, Florida 34211.

4. Respondent may be located at 1537 Oak Street, Sarasota, Florida 34236.

5. The Michigan Board of Nursing (Michigan Board) is the licensing authority for nurses in the state of Michigan.

6. Respondent holds and/or held a Michigan registered nurse license and a Michigan certified nurse anesthetist license, number 47-04-217707.

7. On or about September 6, 2020, the Michigan Board issued a Consent Order which imposed discipline upon Respondent's Michigan nurse anesthetist license, to include a term of probation and a fine.

8. Section 464.018(1)(b), Florida Statutes (2020), provides that having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country constitutes grounds for disciplinary action.

9. Respondent had a license to practice nursing disciplined by the licensing authority of another state, territory, or country, when on or about

September 6, 2020, the Michigan Board disciplined Respondent's Michigan nurse anesthetist license.

10. Based on the foregoing, Respondent violated section 464.018(1)(b), by having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

[SIGNATURE PAGE FOLLOWS]

SIGNED this 20th day of November, 2020.

Scott A. Rivkees, MD
State Surgeon General

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Amanda Morales*
DATE: 11/23/2020

Nicole M. DiBartolomeo
Nicole M. DiBartolomeo
Assistant General Counsel
Florida Bar No. 123162
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin #C65
Tallahassee, FL 32399-3265
Telephone: (850) 841-8445
Facsimile: (850) 245-4662
Email: nicole.dibartolomeo@flhealth.gov

PCP Date: November 20, 2020
PCP Members: McDonough & McKeen

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

TAMARA JOY SCHWARZ, R.N., C.R.N.A.
License No. 47-04-217707

Complaint No. 47-18-000489

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Nursing on February 12, 2019, charging Tamara Joy Schwarz, R.N., C.R.N.A. (Respondent) with having violated sections 16221(a), (b)(i), (b)(vi) and (c)(iv) of the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a), (b)(i), (b)(vi) and (c)(iv) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a minimum period of six (6) months not to exceed one (1) year commencing on the effective date of this order.

Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within one (1) year. If Respondent fails to complete any term or condition of probation as set forth in this order within one (1) year of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. MONITORING AGREEMENT. Within six (6) months of the effective date of this order, Respondent shall contact the Health Professional Recovery Program (HPRP) at (800) 453-3784, and shall undergo a chemical dependency/substance abuse evaluation as directed by HPRP.

The evaluation shall be conducted at Respondent's expense and Respondent shall ensure that a copy of the evaluation report is provided to HPRP.

If HPRP determines that Respondent does not require monitoring, HPRP shall immediately notify the Department in writing of this determination, and Respondent need not enter into a monitoring agreement.

If HPRP determines that Respondent is in need of monitoring, Respondent shall promptly enter into and shall comply with the terms of a disciplinary monitoring agreement with HPRP. The duration of the monitoring agreement may exceed the period of probation.

All information and documentation acquired by HPRP in developing and implementing a monitoring agreement shall be made available to the Department upon request to establish Respondent's compliance or noncompliance with the monitoring agreement and this order.

If Respondent fails to comply with the terms of the monitoring agreement, HPRP shall immediately notify the Department in writing.

Upon Respondent's successful completion of the monitoring agreement, HPRP shall promptly notify the Department in writing.

B. COMPLIANCE WITH THE PUBLIC HEALTH CODE.

Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 47-18-000489 clearly indicated on the check or money order), and shall be payable within sixty (60) days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on August 6, 2020

MICHIGAN BOARD OF NURSING

By  for
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, she does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.
2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges

before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Mary DeDeck VanderKolk, R.N., M.S.N. Ms. VanderKolk or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Ms. VanderKolk and the parties considered the following factors in reaching this agreement:

A. Respondent maintains that her actions in this case were a result of poor wasting and record keeping then from substance abuse.

B. Respondent proactively completed the following CE: a) Laws and Rules for Florida Nurses; b) Strategies for Appropriate Opioid Prescribing; c) Recognizing Impairment in the Workplace; d) Medical Error Prevention and Root Cause Analysis; e) Pain Is No Longer the 5th Vital Sign: Insight Into the Opioid Epidemic; f) Regional Anesthesia and Peripheral Neuropathy; Pediatric Pain Management; h) Interventional Pain Procedures in Patients on Anticoagulants; i) Ethical Implications of Drug Shortages; j) Chemical Dependency and Anesthesiology; k) Substance Abuse: Update for Anesthesia Providers; Awareness: An Update; l) Management of Acute Perioperative Analgesia in the Patient with Chronic Pain; m) Professional Accountability & Legal Liability for Nurses; n) Disciplinary Actions: What Every Nurse Should Know.

C. She is willing to present for an HPRP evaluation and will comply with any/all HPRP recommendations.

By signing this stipulation, the parties confirm that they have read,
understand, and agree with the terms of the consent order.

AGREED TO BY:

Eric M. St. Onge
Eric M. St. Onge (P56630)
Assistant Attorney General
Attorney for Complainant
Dated: June 17, 2020

AGREED TO BY:

Tamara Joy Schwarz
Tamara Joy Schwarz, R.N., C.R.N.A.
Respondent

Dated: 6/11/2020

Aaron J. Kemp
Aaron J. Kemp (P55238)
Attorney for Respondent
Dated: 6/15/2020

LF: 2019-0244097-A/Schwarz, Tamara J., R.N., C.R.N.A., 000489/Consent - Order and Stipulation - 2020-04-16

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

TAMARA JOY SCHWARZ, R.N., C.R.N.A.
License No. 47-04-217707,

File No. 47-18-000489

Respondent.

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent Tamara Joy Schwarz, R.N., C.R.N.A. as follows:

1. The Michigan Board of Nursing is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee (DSC) is empowered to discipline licensees for violations of the Public Health Code.
2. Respondent has a Michigan nursing license and a specialty certification as a nurse anesthetist.
3. Fentanyl is an opioid schedule 2 controlled substance. Fentanyl is between 50 and 100 times as potent as morphine.
4. Meperidine (e.g., Demerol), a schedule 2 controlled substance, is an opioid used to treat pain, and is commonly abused and diverted.
5. At all relevant times, Respondent was employed as a nurse anesthetist at Mackinaw Surgery Center (facility) in Saginaw, Michigan.

6. On or about August 23, 2018, facility management received an allegation that Respondent was asking other nurses to sign drug wastes that were not witnessed. The facility initiated an investigation.

7. The facility audited Respondent's records from June 11, 2018 through August 23, 2018 and found multiple discrepancies.

8. On June 11, 2018, June 20, 2018, July 17, 2018, August 14, 2018, and August 23, 2018, Respondent altered the administration and waste records of controlled substances for patients AP, HS, RH, LH, ER, BL, TL, SH, SB, DS, AV, GS, AR, MP, CN, DB, HR, EP, and RD. The facility noted that when Respondent altered the amounts of controlled substances withdrawn, she noted that more was withdrawn than previously indicated.

9. On June 14, 2018, Respondent documented wasting all of the fentanyl and Demerol she withdrew for patient MB.

10. On July 17, 2018, Respondent withdrew 200 mg of Demerol for patient AV and then documented administering 75 mg and wasting 125 mg. This was unusual because this drug comes in 100 mg vials, and one of the vials would have provided the necessary dosage.

11. On August 23, 2018, Respondent documented administering and wasting Demerol for patients DW and CR. Respondent was not treating either patient. The anesthesiologist that treated DW and CR stated that she never used Demerol, that Respondent did not participate in these surgeries, and that the record must have been altered.

12. The facility interviewed staff as part of the investigation and discovered the following information:

- a. Respondent would consistently relieve other staff approximately five (5) minutes before surgery would end. The staff would return to find that Respondent documented administering fentanyl and Demerol to the patient when there was no reason to have administered these drugs.
- b. Staff reported that Respondent would frequently need other CRNA's to cover her procedures because she would have to use the restroom. Respondent always used the same restroom and would return with an odd affect. Additionally, a syringe with blood was found in this bathroom.
- c. Staff reported that Respondent would ask them to sign as witnesses for wasted drugs that they did not observe being wasted.
- d. Staff reported that Respondent admitted to smoking marijuana outside of work.
- e. Staff reported that Respondent would frequently forget recent conversations.

13. On or about August 23, 2018, the facility required all employees to undergo a urine drug screen. Respondent initially refused and said she had to pick up her husband at the airport. Respondent was unable to provide any proof that this occurred. In addition, several staff members reported that Respondent approached them and asked if they would provide her with urine for her drug test.

14. On or about August 24, 2018, Respondent resigned from the facility.

COUNT I

Respondent's conduct constitutes a violation of a general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, or a condition, conduct, or practice that impairs, or may impair, the ability safely and skillfully to engage in the practice of the health profession in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct fails to conform to minimal standards of acceptable, prevailing practice for the health profession in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct demonstrates Respondent's lack of a "propensity . . . to serve the public in the licensed area in a fair, honest, and open manner," MCL 338.41(1), and accordingly a lack of "good moral character," in violation of MCL 333.16221(b)(vi).

COUNT IV

Respondent's conduct constitutes obtaining, possessing, or attempting to obtain or possess a controlled substance or drug without lawful authority, and/or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer it in writing and to show compliance with all lawful requirements for retention of the license. Respondent shall submit the written answer to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of all Complaint allegations. If Respondent fails to answer, the Department shall transmit this complaint directly to the Board's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS



Dated: February 12, 2019

By: Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

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