

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2005 NB 0053

STATE OF INDIANA,

Petitioner,

v.

TAMMY RENEE (WILEY)
KIMBROUGH, L.P.N.,
License No.: 27044805A,

Respondent.

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HEALTH PROFESSIONAL
BUREAU

SUMMARY SUSPENSION ORDER

The Indiana State Board of Nursing ("Board"), pursuant to the authority of Indiana Code § 4-21.5-4-1 *et seq.* and Indiana Code § 25-1-9-10, by a vote of 7-0-0, **SUMMARILY SUSPENDS** the nursing license held by TAMMY RENEE (WILEY) KIMBROUGH ("Respondent") for ninety (90) days, as the Board finds that an emergency exists and that the Respondent represents a clear and immediate danger to the public health and safety if allowed to practice nursing in the State of Indiana.

The hearing took place at the Board's regularly scheduled meeting on February 17, 2005. The State of Indiana was represented by James R. Holden, Deputy Attorney General. The Respondent was notified of the hearing by the Office of the Attorney General but failed to appear in person or by counsel.

This NON-FINAL emergency order is based on the evidence in the Board's file and evidence presented at the hearing, which includes the following findings of fact:

1. Respondent is a licensed practical nurse in the State of Indiana.

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

3. If allowed to continue to practice as a practical nurse, Respondent represents a clear and immediate danger to the public health and safety for the following reasons:

- a. On September 24, 2002, the Respondent pled guilty and was convicted of Robbery, a Class C Felony, in Clark County Superior Court. In her guilty plea, the Respondent admitted to using a "mace-like chemical agent" to spray the clerk of the "Smoke Shop" located at 632 Eastern Boulevard, Clarksville, Indiana, in the face, thus enabling her to steal the contents of the cash register. The Respondent was sentenced to 361 days of incarceration with 3 years and 4 days suspended. The Respondent was to be placed on probation following her release from incarceration.
- b. In the Respondent's guilty plea, she admitted to being "an in-patient at Richmond State Hospital for 6 months for substance abuse, borderline personality disorder, and bipolar." The Respondent also disclosed past convictions for Check Deception and Criminal Conversion.
- c. On or about October 28, 2004, the Respondent's employment was terminated at Hallmark Progressive Care Center in Clarksville, Indiana, following an investigation of missing controlled substances, including morphine sulphate and Ativan. After first denying she took the substances, the bottle of morphine sulphate was later recovered from the Respondent by police.
- d. On October 28, 2004, the Respondent was charged with Theft, a Class D Felony, and Possession of a Controlled Substance, a Class C Felony, in Clark County Superior Court.
- e. On or about November 4, 2004, an arrest warrant was issued for the Respondent based on violation of her probation.
- f. The Respondent has violated a state statute or rule, or federal statute or regulation, regulating the profession in question in violation of Indiana Code § 25-1-9-4(a)(3).

- g. Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to practice competently in violation of Indiana Code § 25-1-9-4(a)(2).
- h. Respondent has continued to practice despite being unfit due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely in violation of Indiana Code § 25-1-9-4(a)(4)(D).
- i. Respondent practitioner has diverted a legend drug in violation of Indiana Code 25-1-9-4(a)(8)(A).

WHEREFORE, RESPONDENT IS ORDERED to immediately cease and desist from all acts constituting the practice of nursing for a period of ninety (90) days from the date of this Order.

IT IS FURTHER ORDERED, that Respondent shall immediately surrender all indicia of licensure, including her pocket license and wall license, to the Board in care of the Health Professions Bureau, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204.

SO ORDERED, this 23rd day of February, 2005.

INDIANA STATE BOARD OF NURSING

By: Barbara Marvel McNutt
Barbara Marvel McNutt
Interim Executive Director
Health Professions Bureau

copies to:

Tammy Renee (Wiley) Kimbrough, L.P.N.
1424 Mout Zion Road
Henryville, IN 47126

SENT CERTIFIED MAIL NO. 7003 3110 0003 5658 6381
RETURN RECEIPT REQUESTED.

Deputy Attorney General James R. Holden
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Indianapolis, IN 46204-2770