

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NO. : 97 NB 060

STATE OF INDIANA,

Petitioner,

v.

JULIE ANN MCCOY, R.N.,
License Number: 28136218,

Respondent.

FILED

SEP 28 2001

HEALTH PROFESSIONS
BUREAU

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Kay Leach, R.N., designated by the Indiana State Board of Nursing ("Board"), pursuant to IC 4-21.5-3-9 to act as an administrative law judge ("ALJ"), held an administrative hearing on September 11, 2001, in Room 12 of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning Julie Ann McCoy's ("Respondent") request to reinstate her license as a registered nurse.

Respondent appeared in person and waived her right to be represented by counsel.

The ALJ, after considering the evidence presented and taking official notice of the file in this matter issues the following Recommended Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, whose mailing address is 802 Glenwood, Walkerton, IN 46574, is a registered nurse with license number 28136218.
2. Respondent received timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code 25-1-9-9 and Indiana Code 4-21.5-3.
4. The Board voted to suspend Respondent's license in June 2001, because she has a history of drug addiction and disciplinary proceedings with the Board and had relapsed in 2000 after a period of recovery.
5. The Respondent asked that her license be reinstated in an e-mail dated July 12, 2001.

6. During the hearing on reinstatement, the Respondent testified that marijuana and narcotics are her drugs of choice.

7. Respondent's drug free date is April 14, 2000.

8. Respondent attends Alcoholics Anonymous meetings regularly. She has also signed a five year contract with the Indiana State Nurses Assistance Program and all her drug screens have been negative.

9. Respondent has established that she may practice with reasonable skill and safety to the public if she complies with the terms of her probation.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter, if after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." IND. CODE § 25-1-9-11.

2. Because the Respondent has established that she may practice with reasonable skill and safety to the public if she complies with the terms of her probation, she qualifies for reinstatement of her license on probation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. The Respondent's license as a registered nurse is reinstated on INDEFINITE PROBATION. Respondent may petition to have the probationary order withdrawn after a period of four (4) years of active nursing practice.

2. The Respondent's practice of nursing shall be governed by the following TERMS AND CONDITIONS:

a) Respondent shall keep the Board informed of her residential address and telephone number at all times.

b) Respondent shall keep the Board informed of her current employer's as well as any nursing employer(s) name, address, and telephone number.

c) Respondent shall provide a copy of all Board orders imposing discipline or limiting practice to her current employer as well as any nursing employer who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of this order.

d) Respondent shall be responsible for causing her nursing employer(s) to submit quarterly supervisor reports addressing attendance, competency, lack of access to controlled substances, and successful completion of an orientation (if necessary).

e) Respondent shall submit to random, unannounced urine drug/alcohol screens monthly for the first year she is on probation and quarterly thereafter. The screens will test specifically, but not exclusively, for Respondent's drugs of choice (Alcohol and Marijuana), and the results must be sent directly to the Board.

f) Respondent shall provide a standing physician's order for random urine drug/alcohol screens to the Board within ten (10) days of receipt of this order so the Board can order a screen if necessary.

g) Respondent shall provide a copy of any authorized prescription(s) to the Board within thirty (30) days of receiving such prescriptions.

h) Respondent shall attend at least three Alcoholics Anonymous/Narcotic Anonymous, Caduceus Rational Recovery or nurse's support group meetings per week.

i) Respondent shall submit verification of attendance at the above stated meetings to the Board on a quarterly basis.

j) Respondent shall have no access to any mood or mind altering substances including controlled substances, but may petition the Board to lift this restriction after a period of two years of active nursing.

k) Respondent shall have an affirmative duty to report a relapse into unauthorized use of drugs or alcohol to the Health Professions Bureau within seventy-two (72) hours of such relapse.

l) Respondent shall maintain her contract with the Indiana State Nurses Assistance Program.

m) Respondent shall comply with all rules and statutes regulating the practice of nursing.

3) The failure of Respondent to comply with the terms of this order may subject her to a show cause hearing and the imposition of further sanctions.

SO ORDERED, this 21 day of September, 2001.

KAY LEACH, R.N.
ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

Celinda Kay Leach

**NOTICE OF RIGHT TO OBJECT TO RECOMMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

Either party may object to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order: but any objection must be filed with the Indiana State Board of Nursing, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the ISSUANCE of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours in which case the deadline would be the first day which is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours. The ALJ's Recommended Findings of Fact, Conclusions of Law and Order is not the final order of the Indiana State Board of Nursing in this proceeding. In the absence of any objection, the Indiana State Board of Nursing may affirm the ALJ's Recommended Findings of Fact, Conclusions of Law and Order as its final order or will serve notice of its intention to review any issue related to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order or will serve notice of its intention to review any issue related to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order.

Copies to:

Julie Ann McCoy

802 Glenwood

1718 County Lane Dr. Apt. 85

Walkerton, IN 46574 LaPorte, IN 46350

CERTIFIED MAIL NUMBER: 700016700003 0262 8000

RETURN RECEIPT REQUESTED

Respondent

Sheila O'Brien

Deputy Attorney General

Office of the Attorney General

402 West Washington Street, Fifth Floor

Indianapolis, Indiana 46204-2770

Attorney for the State of Indiana

24198