

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER 2019 NB 0149

IN THE MATTER OF THE LICENSE OF:)

JEREMY D. MCDANIELS, L.P.N.,)

LICENSE NO: 27074286A)

FILED

JAN 20 2022

Indiana Professional
Licensing Agency

FINAL ORDER

Jennifer Miller, R.N., and Angela Morris, R.N., designated by the Indiana State Board of Nursing ("Board"), pursuant to Ind. Code § 4-21.5-3-9 to act as administrative law judges ("ALJs"), held a hearing on October 21, 2021, by telephone and Webex concerning the Amended Administrative Complaint filed against Jeremy D. McDaniels, L.P.N.

A copy of the ALJs Recommended Findings of Fact, Conclusions of Law and Order is attached hereto as **Exhibit A** and made a part hereof.

Pursuant to Ind. Code § 4-21.5-3-29(c) the Board, at its meeting of January 20, 2022, votes 5 to 0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

ISSUED this 20th day of January 2022.

INDIANA STATE BOARD OF NURSING

By: Alyssa Serwig for
Kim Cooper, R.N.
Board President
Indiana State Board of Nursing

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order" has been duly served upon:

Jeremy D. McDaniels
1132 Charleston West Drive
Indianapolis, IN 46219
Service by U.S. Mail

Patricia Gibson
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

1. 20. 2022

Date

Lisa Chapman

Lisa Chapman, Litigation Coordinator

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
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Explanation of Service Methods

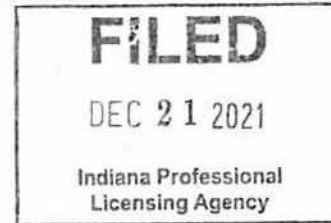
Personal Service: by delivering a true copy of the aforesaid document(s) personally.

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.

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER 2019 NB 0149

IN THE MATTER OF THE LICENSE OF:)
JEREMY D. MCDANIELS, L.P.N.,)
LICENSE NO: 27074286A)



**RECOMMENDED FINDINGS OF FACT, ULTIMATE FINDING OF FACT, AND
ORDER**

Jennifer Miller, R.N., and Angela Morris, R.N., designated by the Indiana State Board of Nursing ("Board") pursuant to Ind. Code § 4-21.5-3-9 to act as administrative law judges ("ALJs"), held a default hearing on October 21, 2021, by telephone and Webex concerning the Amended Administrative Complaint filed against Jeremy D. McDaniels, L.P.N. ("Respondent").

The State of Indiana ("Petitioner") was represented by Deputy Attorney General Patricia Gibson. Respondent failed to appear in person or by counsel.

On June 16, 2021, the Indiana Professional Licensing Agency sent notice to Respondent at his address on file informing him of the date, time, and place of the Amended Administrative Complaint hearing scheduled for August 19, 2021. Petitioner was represented by Patricia Gibson, Deputy Attorney General. Respondent failed to show in person or by counsel and Notice of Proposed Default was issued on August 19, 2021. The Notice of Proposed Default Order was sent by U.S. mail to Respondent's address of record on September 13, 2021. Respondent did not respond to the Order within the time specified by Indiana law.

The ALJs, after considering the evidence presented and taking official notice of its file in this matter, finds Respondent to be in **DEFAULT**. The ALJs, after considering the evidence presented and taking official notice of the file in this matter, issues the following Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order:

RECOMMENDED FINDINGS OF FACT

1. Respondent is a Licensed Practical Nurse ("LPN") in the State of Indiana having been issued license number 27074286A on November 9, 2016.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 1132 Charleston West Drive, Indianapolis, Indiana 46219.
3. Respondent is a "practitioner" as that term is defined by Ind. Code Sec. 25-1-9-2.
4. On March 13, 2018, Respondent contacted the Indiana State Nurses Assistance Program ("ISNAP") and disclosed that he had struggled with alcohol use for years.
5. On March 28, 2018, ISNAP received Respondent's assessment diagnosing him with alcohol use, severe. ISNAP recommended a three (3) year recovery monitoring agreement ("RMA").
6. On April 26, 2018, Respondent returned his three (3) year RMA and entered into monitoring.
7. On August 30, 2018, Respondent had a urine drug screen ("UDS") that was positive for extremely high levels of alcohol.
8. On January 3, 2019, Respondent had a venipuncture that was positive for phosphatidyl ethanol.
9. On January 15, 2019, Respondent had a UDS that was positive for a cocaine metabolite.
10. On February 5, 2019, Respondent had a UDS that was positive for alcohol.
11. On February 26, 2019, Respondent was assessed at Fairbanks and enrolled in intensive outpatient treatment.
12. On April 5, 2019, Respondent had a UDS that was positive for alcohol.

13. On April 24, 2019, ISNAP discharged Respondent from treatment due to his repeated non-compliance.
14. On May 16, 2019, Respondent's license was placed on summary suspension.
15. By August 15, 2019, Respondent had completed a new intake session with ISNAP.
16. On September 3, 2019, Respondent signed a five (5) year RMA and entered into monitoring. Respondent was diagnosed with alcohol use severe, cocaine use in remission.
17. On November 6, 2019, the original administrative complaint was filed.
18. On or about November 19, 2019, the summary suspension placed on Respondent's license expired.
19. On December 2, 2019, Respondent's UDS resulted positive for Etg, the metabolite for alcohol and further testing was ordered.
20. On December 12, 2019, Respondent's PEth test resulted positive for alcohol.
21. On June 15, 2020, Respondent's UDS resulted positive for Etg, the metabolite for alcohol and further testing was ordered.
22. On June 19, 2020, ISNAP increased Respondent's UDS's from sixteen (16) per year to twenty-six (26) per year and required him to engage in individual therapy.
23. On June 29, 2020, Respondent's PEth test resulted positive for alcohol.
24. On October 22, 2020, Respondent failed to appear for a UDS.
25. On December 21, 2020, Respondent's UDS resulted positive for Etg, the metabolite for alcohol and further testing was ordered.

26. On January 9, 2021, Respondent's PEth test resulted positive and indicated Respondent consumed a minimum of 7 ounces of alcohol in the 2-4 weeks preceding the blood draw with an estimate of at least sixteen to twenty (16-20) ounces consumed.

27. On January 12, 2021, ISNAP extended Respondent's RMA for six (6) months, required him to enroll in a Partial Hospitalization Program ("PHP") and attend Jim Ryser's nurse support group as one of his required self-help meetings per week.

28. On January 18, 2021, Respondent informed ISNAP he was enrolling in Brentwood Springs PHP through February 11, 2021.

29. On March 16, 2021, Respondent informed ISNAP that he consumed alcohol on March 4, 2021, did not follow the continuum of care after his completion of PHP, had not been working the steps, and had not been attending Jim Ryser's nurse support group.

30. On March 23, 2021, Respondent was unsuccessfully discharged from ISNAP due to non-compliance, having had seven (7) positive drug screens.

31. On July 13, 2021, Respondent completed another intake with ISNAP.

32. On July 29, 2021, ISNAP sent Respondent a new RMA and Respondent.

33. On July 29, 2021, Respondent informed ISNAP that he would not sign the RMA and requested that his file be closed.

CONCLUSIONS OF LAW

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although Respondent has become unfit to practice due to an 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 as evidenced by Respondent being diagnosed with a diagnosed with alcohol use disorder, severe, and positive UDS's.

2. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question by failing to comply with the program requirements that resulted in the termination of his ISNAP participation in violation of 848 IAC 7-1-7(1), as evidenced by ISNAP closing Respondent's file in 2019.

3. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question by failing to comply with the program requirements that resulted in the termination of his ISNAP participation in violation of 848 IAC 7-1-7(1), as evidenced by ISNAP closing Respondent's file in 2021.

ORDER

Based upon the above Findings of Fact, the ALJ issues the following Order:

Respondent's Indiana nursing license is placed on **INDEFINITE SUSPENSION**.

1. Prior to petitioning for reinstatement, Respondent shall have no less than twelve (12) months of full and continuous compliance with his ISNAP RMA from the date of this Final Order, meaning no missed, dilute, abnormal or rescheduled urine drug screens.

2. Prior to petitioning for reinstatement, Respondent shall complete twelve (12) hours of continuing education in impaired nursing. Continuing education can be found at many websites including American Nurses Association ("ANA"). Certificates of completion shall be submitted to the following address:

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

3. Within ninety (90) days of the Final Order, Respondent shall, pursuant to Ind. Code § 4-6-14-10 (b), pay a fee of **Five Dollars (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Consumer Protection Administrative Assistant
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

4. Respondent's violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing may result in Petitioner requesting a summary suspension of Respondent's license, an Amended Administrative Complaint as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED, this 21st day of December 2021.

ADMINISTRATIVE LAW JUDGE PANEL
INDIANA STATE BOARD OF NURSING

By: Alyssa Serriz for
Jennifer Miller, R.N., and Angela Morris, R.N.
Administrative Law Judges
Indiana State Board of Nursing

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

Either party may object to the ALJs 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 Indiana Professional Licensing Agency 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 Indiana Professional Licensing Agency offices are closed during regular business hours. The ALJs 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 ALJs 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 ALJs Recommended Findings of Fact, Conclusions of Law and Order.

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CERTIFICATE OF SERVICE

I certify that a copy of the "Recommended Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Jeremy D. McDaniels, LPN
1132 Charleston West Drive
Indianapolis, IN 46219
Service by U.S. Mail

Patricia Gibson
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

12.21.2021

Date

Lisa Chapman

Lisa Chapman, Litigation Coordinator

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Explanation of Service Methods

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