

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2004 NB 0023

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
ALVIN LEONARD MILLER, R.N.,)
License No.: 28117428A,)
)
Respondent.)

HEALTH SERVICES
BUREAU
FEB 23 2005

FINDINGS OF FACT AND ORDER ON THE ORDER TO SHOW CAUSE

The Indiana State Board of Nursing ("Board") held an administrative hearing on February 17, 2005, in the Auditorium of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning an Order to Show Cause filed against Alvin Leonard Miller, R.N. ("Respondent").

The State of Indiana was represented by Deputy Attorney General Carrie Harmon. The Respondent did not appear in person or by counsel.

The Board, by a vote of 6-0-0, found the Respondent in default. The Board then held further proceedings in the Respondent's absence and, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. On or about March 8, 2004, Respondent signed a four year recovery monitoring agreement (RMA) with the Indiana State Nurses Assistance Program (ISNAP).

Handwritten initials or signature.

2. Respondent had been referred to ISNAP by the Board, because he had three drunk driving offenses, one of which was a felony, and Respondent had served nine months in prison.

3. On or about May 11, 2004, Respondent had a urine drug screen that was positive for alcohol. When ISNAP tried to contact Respondent at his place of work, his worksite monitor informed ISNAP that Respondent had been arrested for drunk driving and was incarcerated.

4. On or about May 27, 2004, Respondent's case with ISNAP was closed due to non-compliance.

5. On or about June 3, 2005, the Board issued an Order to Show Cause. The Respondent failed to appear for the hearing scheduled for June 17, 2004. The Board placed Respondent's license on summary suspension.

6. On or around October 7, 2004, notice was sent to Respondent, by certified mail, informing him of the date, time and place for the Order to Show Cause hearing scheduled for October 21, 2004.

7. The Respondent failed to appear for the hearing. The Board voted to issue a Notice of Proposed Default and extended the summary suspension on Respondent's license.

8. On or around January 7, 2005, the Board issued the Notice of Proposed Default Order.

9. On or around January 19, 2005, the Board received a response from the Respondent to the Notice of Proposed Default notifying the Board that he failed to appear due to being incarcerated. However, Respondent failed to respond to the Board's Notice of Proposed Default Order within seven (7) days as required by Ind. Code § 4-21.5-3-24

ULTIMATE FINDINGS OF FACT

The conduct described above constitutes a violation of Indiana Code §25-1-9-

4(a)(4)(D), in that, Respondent continued to practice although he had become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol and other drugs that endanger the public by impairing his ability to practice safely because Respondent was diagnosed with alcohol dependency and failed to remain in compliance with ISNAP.

ORDER

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

1. Respondent is held in default, pursuant to Indiana Code §4-21.5-3-24.
2. Respondent's Indiana nursing license is placed on **INDEFINITE SUSPENSION**.
3. Respondent must sign a Recovery Monitoring Agreement with ISNAP and have at least three (3) months compliance with the Recovery Monitoring Agreement as a condition precedent to reinstatement.
4. Respondent must pay a **FINE** of **TWO HUNDRED FIFTY (\$250.00)** to the Health Professions Bureau at 402 West Washington Street, Room W066, Indianapolis, IN 46204, within ninety (90) days.

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:

Alvin Leonard Miller, R.N., D.O.C. # 129056
5426 East 850 North
Medaryville, IN 47957

SENT CERTIFIED MAIL NO. 7003 3110 0003 5658 6558
RETURN RECEIPT REQUESTED

Deputy Attorney General Carrie Harmon
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770