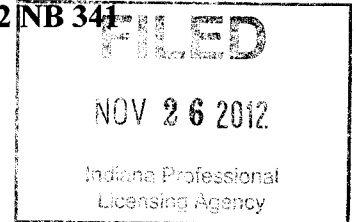


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO. 2012 NB 344

IN THE MATTER OF THE LICENSE OF:)
MARY JESSICA MERTINS, R.N.,)
LICENSE NUMBER: 28106815A)



**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

The State of Indiana ("Petitioner"), by Patricia Gibson, Deputy Attorney General, and Mary Jessica Mertins, R.N., ("Respondent"), signed an Amended Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by Petitioner and the Indiana State Board of Nursing ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

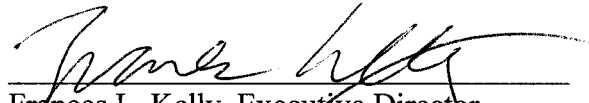
The Board, after reviewing the Agreement at the November 15, 2012, meeting held in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as **Exhibit A** and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law, and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 26 day of November, 2012.

INDIANA STATE BOARD OF NURSING

By:

A handwritten signature in black ink, appearing to read "Frances L. Kelly", written over a horizontal line.

Frances L. Kelly, Executive Director
Indiana Professional Licensing Agency

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO. 2012-NB-341

IN THE MATTER OF THE LICENSE OF:)
MARY JESSICA MERTINS, R.N.,)
LICENSE NUMBER: 28106815A)

FILED

NOV 14 2012

Indiana Professional
Licensing Agency

AMENDED PROPOSED SETTLEMENT AGREEMENT

The State of Indiana ("Petitioner"), by Patricia Gibson, Deputy Attorney General, and Mary Jesssica Mertins, R.N., ("Respondent") hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana State Board of Nursing ("Board") pursuant to Ind. Code § 25-1-9 *et seq.* and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.*

STIPULATED FACTS

1. Respondent is a Registered Nurse ("RN") in the State of Indiana having been issued license number 28106815A on September 1, 1989. Respondent's address on file with the Indiana State Board of Nursing ("Board") is 312 Hickory Street, Hereford, Texas 79045. Respondent's current address is 24160 State Road 23, South Bend, Indiana 46614.

2. On or about February 9, 2012, Respondent was employed as a RN with the Hereford Regional Medical Center, located in Hereford, Texas. Respondent had slurred speech, difficulty understanding things that were said to her, and difficulty walking. Respondent returned from her lunch break ninety (90) minutes late, hit a curb with her vehicle and exited her vehicle while it was still running. Respondent ordered the wrong medications in addition to having difficulty with other office duties.

3. On or about February 9, 2012, Respondent's for cause urine drug screen ("UDS") was positive for hydrocodone, butalbital and alprazolam. Prior to the UDS, Respondent admitted taking an over the counter cough medicine and one phenergan 25 mg tablet.

4. On or about February 9, 2012, Respondent claims she had valid prescriptions for hydrocodone and alprazolam.

5. On or about February 9 through February 15, 2012, Respondent claims she experienced nausea, vomiting and weakness.

6. On or about February 15 through February 18, 2012, Respondent claims she was hospitalized with a severe gastric ulcer and bilateral carotid stenosis.

7. On or about February 23, 2012, Respondent claims she submitted her resignation to Hereford Regional Medical Center due to health issues.

8. In March 2012, Respondent claims she moved back to Indiana due to continuing health issues.

9. In March, 2012, Respondent claims she spoke with a representative of the Texas Peer Assistance Program for Nurses ("TPAPN"). Respondent claims she was willing to enroll in TPAPN, but was informed that because she was now living in Indiana she was not eligible.

10. On or about April 26, 2012, Respondent voluntarily surrendered her Texas nursing license. Respondent may petition for reinstatement of her Texas nursing license after April 26, 2013, if she has twelve (12) consecutive months of verifiable sobriety.

11. On or about April 26, 2012, the Texas Board of Nursing found Respondent violated Section 301.452(b)(9)(10) & (12) of the Texas Occupations Code which provide, "A person is subject to denial of a license or to disciplinary action under this subchapter for: (9) intemperate use of alcohol or drugs that the board determines endangers or could endanger a patient; (10) unprofessional or dishonorable conduct that, in the board's opinion, is likely to deceive, defraud, or injure a patient or the public; (12) lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public.

12. On or about July 2, 2012, Respondent began enrollment with the Indiana State Nurses Assistance Program ("ISNAP").

13. On or about September 5, 2012, Respondent was diagnosed with opioid abuse and ISNAP recommended a one year recovery monitoring agreement ("RMA").

14. On or about September 20, 2012, Mary Jean Osberger, L.C.S.W., L.C.A.C., stated Respondent had submitted two UDS's which were negative and had received three (3) individual counseling sessions.

15. On or about October 6, 2012, Respondent received her RMA from ISNAP.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent's conduct violated Ind. Code § 25-1-9-4(a)(7) in that Respondent has had disciplinary action taken against Respondent's license to practice in any state or jurisdiction on grounds similar to those under this chapter as evidenced by the Texas Board of Nursing finding Respondent violated Section 301.452(b)(9)(10) & (12), which are similar to Ind. Code § 25-1-9-4(a)(4)(C) & (D).

AGREED DISPOSITION

It is now therefore agreed by Respondent and Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license.

5. Respondent's Indiana nursing license shall be placed on **INDEFINITE PROBATION**. Prior to petitioning for withdrawal of probation Respondent shall:

- a. Successfully complete her ISNAP RMA **AND**
- b. the status of Respondent's Texas nursing license shall be active, free and clear.

6. Respondent's probation shall be governed by the following **TERMS and CONDITIONS**:

- a. Respondent shall fully comply with the terms and conditions of her ISNAP RMA.
- b. Respondent must provide the Board with her current home address, mailing address, e-mail address and residential telephone number.
- c. Respondent must notify the Board of her place of employment, employment telephone number, employment e-mail address and name of supervisor.
- d. All documentation required by this Agreement, including employer information and requests for a hearing, shall be submitted to:

Probation2@pla.in.gov
- e. Respondent shall comply with all rules and statutes regulating the practice of nursing.
- f. Respondent shall within ninety (90) days of the Final Order, 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: Katie Thorpe
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

7. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

8. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of nursing, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause 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.

9. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews Respondent's license at a later date.

Mary Jessica Mertins
Mary Jessica Mertins, R.N.
Respondent

11/13/2012
Date

Patricia Gibson
Patricia Gibson
Deputy Attorney General
Attorney No. 12011-49

11/14/12
Date

STATE OF Indiana)
) SS:
COUNTY OF St Joseph)

Before me a Notary Public for said County and State, personally appeared Mary Jessica Mertins, R.N., first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

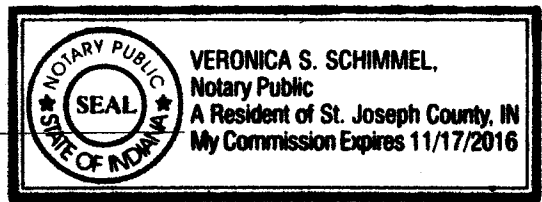
Signed and sealed this 13 day of November, 2012.

Veronica Schimmel
Signature

Printed

My Commission Expires: _____

County of Residence: _____



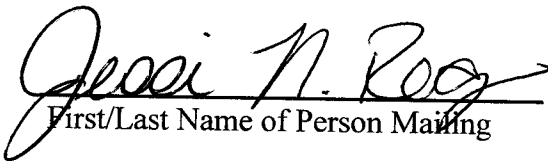
CERTIFICATE OF SERVICE

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

Mary Jessica Mertins RN
17715 Jackson Road
South Bend, IN 46614
Service by U.S. Mail

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

11-26-2012
Date


First/Last Name of Person Mailing

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
Email: pla2@pla.in.gov

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.