

CERTIFICATE OF SERVICE

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

Anthony Muniz
4028 Park Avenue
Lake Station, IN 46405
Service by U.S. Mail

Jason Gross
Indiana Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by e-mail

12.14.12
Date

Jason Chapman
Signature

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.

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3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code ch. 4-21.5-3.

4. The Board suspended Muniz's license in November 2010 because he had been convicted of Resisting Law Enforcement in 2005 and Theft and Attempted Theft in 2008. He had been under the influence of marijuana and Flexeril when he committed the crimes.

5. In July 2012, Muniz requested that his license be reinstated.

6. At the hearing on reinstatement, Muniz testified that he has been sober for four years and completed the conditions precedent to the reinstatement of his license. Chuck Lindquist of ISNAP testified that he signed a recovery monitoring agreement in January 2011 and has complied with it.

7. Muniz has not practiced as a nurse since his license was suspended and ISNAP would like to monitor him for at least six months while he is engaged in the active practice of nursing.

8. Muniz has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his 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 Muniz has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation, he qualifies for reinstatement of his license on probation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the ALJ recommends that the Board issue the following Order:

1. Muniz's license as a practical nurse will be reinstated on **INDEFINITE PROBATION**. Muniz may petition to have the probationary order withdrawn after one (1) year of active nursing practice and completion of his recovery monitoring agreement with ISNAP.

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

a) He must provide the Board with his current home address, mailing address, e-mail address and residential telephone number.

b) He must notify the Board of his place of employment, employment telephone number, employment e-mail address and name of supervisor.

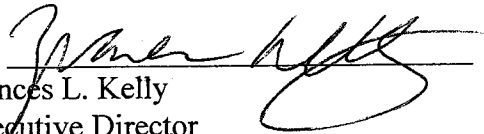
c) If Muniz is not in ISNAP, he shall cause his nursing employer to submit quarterly reports to the Board indicating his professional competence, sense of responsibility, work habits, mental attitude and ability to work with others. If Muniz is unemployed as a nurse, he must submit quarterly reports to the Board on his personal circumstances.

d) Muniz shall maintain his recovery monitoring agreement with ISNAP and comply with all its terms.

- e) Muniz must immediately report any relapses or arrests to the Board.
 - f) Muniz shall comply with all rules and statutes regulating the practice of nursing.
- 3) The failure of Muniz to comply with the terms of this order may subject him to a show cause hearing and the imposition of further sanctions.

SO ORDERED, this 08 day of November 2012.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

**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 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 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.

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