

**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2017 NB 0182**

**IN THE MATTER OF THE REINSTATEMENT
APPLICATION OF:**

DECELIA Y. MYERS, L.P.N.

LICENSE NUMBER: 27064285A

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FILED

October 21 2022

Indiana Professional
Licensing Agency

FINAL ORDER

Jason M. King, DNP, RN, designated by the Indiana State Board of Nursing (“Board”) pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge (“ALJ”), held an administrative hearing on June 2, 2022, via Webex, concerning Decelia Y. Myers’s (“Applicant”) application to reinstate her license as a nurse.

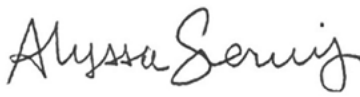
A copy of the ALJ’s “Recommended Findings of Fact, Conclusions of Law and Order” is attached hereto as **Exhibit A** and made a part hereof.

Pursuant to Ind. Code § 4-21.5-3-29(c) the Board, at its meeting of July 21, 2022, votes 5-0-0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

The Applicant’s license is **REINSTATED** on **PROBATION**.

ISSUED this 21st day of October 2022.

INDIANA STATE BOARD OF NURSING

By:  for
Kim Cooper, MSN, RN
Board President

CERTIFICATE OF SERVICE

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

Decelia Y. Myers
6048 East 21st Street, Apartment 3A
Indianapolis, Indiana 46219
Service by U.S. Mail
Service by E-Mail

Sha’na Harris Terry
Attorney General’s Office
402 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Shana.HarrisTerry@atg.in.gov
Service by Email

10/21/2022

Date



Catherine Briney, Litigation Coordinator

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
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Explanation of Service Methods

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

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**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2017 NB 0182**

**IN THE MATTER OF THE LICENSE
REINSTATEMENT APPLICATION OF:**

**DECELIA Y. MYERS, L.P.N.
LICENSE NUMBER: 27064285A**

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RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Jason M. King, D.N.P., R.N., designated by the Indiana State Board of Nursing (“Board”) pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge (“ALJ”), held an administrative hearing on June 2, 2022, via Webex, concerning Decelia Y. Myers’s (“Applicant”) application to reinstate her license as a nurse.

Applicant appeared in person and waived her right to be represented by counsel. Sha’na Harris Terry of the Attorney General’s Office represented the State of Indiana.

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:

RECOMMENDED FINDINGS OF FACTS

1. Applicant submitted an application to the Board to reinstate her license as a practical nurse.
2. Applicant received timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.
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. On November 22, 2019, following a probation withdrawal hearing, the Board

suspended Applicant's license for pending felony charges in Marion County under Cause No. 49G05-1905-F4-018073.

5. On November 16, 2021, Applicant filed a petition for reinstatement.

6. The Applicant provided evidence of compliance with her suspension order, specifically: resolution of her pending felony charges in Marion County under Cause No. 49G05-1905-F4-018073. All charges have been dismissed by the Court.

7. Applicant has demonstrated to the Board that she may be able to practice competently and safely if she complies with the probationary terms set out below.

RECOMMENDED 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. Applicant has established that she may practice with reasonable skill and safety to the public, and therefore, the Board reinstates her license on probation.

RECOMMENDED ORDER

Based upon the foregoing Recommended Findings of Fact and Conclusions of Law, the ALJ issues the following Recommended Order indicating the **TERMS AND CONDITIONS** which govern her practice while on probation: **[conditions which are marked apply]**

CONDITIONS PRIOR TO PRACTICE

1. The Applicant may not practice as a nurse until the Applicant:



completes a refresher course with a clinical component.

LENGTH OF PROBATION

2. The Applicant's license as a nurse is reinstated on **INDEFINITE PROBATION**. **ALL terms and conditions governing the length of probation must be completed before the Board will be receptive to a petition to withdraw the probation on the license. The Applicant may petition to have this probationary order withdrawn after:**

- Documenting the successful completion of one (1) year of active nursing practice.**

TERMS AND CONDITIONS:

- The Applicant must keep the Board apprised of the following information in writing and update it as necessary:**
 - a) **The Applicant's current home address, mailing address, e-mail address and residential telephone number.**
 - b) **The Applicant's place of employment, employment telephone number, employment e-mail address and name of supervisor.**
- The Applicant shall provide a copy of all Board orders, including this one, imposing discipline or limiting practice to any nursing employer who shall sign and return a copy of such orders to the Board within ten (10) days of employment or receipt of the Order.**
- The Applicant shall cause the person evaluating her nursing practice to submit quarterly reports to the Board indicating her professional competence, sense of responsibility, work habits, mental attitude and ability to work with others. If Applicant is unemployed while on probation, she will submit a written personal report to the Board.**
- The Applicant shall comply with all statutes and rules regulating the practice of nursing and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.**
- The failure of the Applicant to comply with the terms of this decision may subject her to a show cause hearing and the imposition of further sanctions, including emergency suspension of her license.**



The Applicant must document completion of twenty-four (24) hours of continuing education credits with a total of:



twelve (12) hours in ethics/professionalism.



twelve (12) hours in self-care and coping.

SO ORDERED, this 28th day of June 2022.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

Alyssa Seruiz

By: _____ for

Jason M. King, D.N.P., R.N.
Administrative Law Judge
Indiana State Board of Nursing

NOTICE OF RIGHT TO PETITION FOR REVIEW OF THIS DECISION

You may petition for review of this decision under Ind. Code § 4-21.5-3-7. The petition must be filed with the Indiana State Board of Nursing in writing, identifying the reasons for review and demonstrating that you have been aggrieved or adversely affected by the Board's decision. The petition for review must be filed no later than eighteen days from the issuance of this decision unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day the Indiana Professional Licensing Agency'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 the Indiana Professional Licensing Agency's offices are closed during regular business hours.

If your petition for review is timely filed and review granted, you will receive notification of an administrative hearing. You or your representative must be present at that hearing. You have the right to be represented by an attorney at your own expense. A deputy attorney general may be present to represent the state of Indiana. As petitioner, you will have the burden of proving that the Board's decision is incorrect.

CERTIFICATE OF SERVICE

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

Decelia Y. Myers
6048 East 21st Street, Apartment 3A
Indianapolis, Indiana 46219

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Sha’na Harris Terry
Attorney General’s Office
402 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Shana.HarrisTerry@atg.in.gov

Service by Email

6/28/2022

Date


Catherine Briney, Litigation Coordinator

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Indiana Government Center South
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