

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2014 NB 0234

IN THE MATTER OF THE LICENSE OF:)
)
LARRY NEEL, L.P.N.,)
)
LICENSE NUMBER: 27050535A)

FILED
DEC 15 2015
Indiana Professional
Licensing Agency

FINAL ORDER

Lynda Narwold, 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 November 13, 2015, concerning Larry Neel’s request to withdraw the probation from his 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 December 10, votes 6 to 0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

The probation on Neel’s license is **MODIFIED** as set out in the attached recommended order.

ISSUED this 15th day of December, 2015.

INDIANA STATE BOARD OF NURSING

By: Herbert W. Price
Natalie, Hall, R.N.
Board President
for Indiana State Board of Nursing

CERTIFICATE OF SERVICE


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

Larry Neel
4439 Wilmette Street
Fort Wayne, IN 46806
Service by U.S. Mail

Lorie A. Brown
Brown Law Office
718 Timber Mill Lane.
Indianapolis, IN 46260
Service by U.S. Mail

Cathleen Nine-Altevogt
Attorney General's Office
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
Service by Email

12-15-2015
Date


Lisa Chapman

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2043
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Explanation of Service Methods

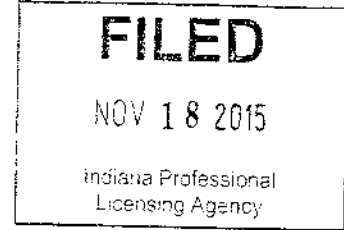
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BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2014 NB 0234

IN THE MATTER OF THE LICENSE OF:)
)
LARRY NEEL, L.P.N.,)
)
LICENSE NUMBER: 27050535A)



RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Lynda Narwold, 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 November 13, 2015, in Conference Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Larry Neel’s request to withdraw the probation from his license as a nurse.

Neel appeared in person and by counsel, Lorie Brown. Cathleen Nine-Altevogt and Laura Iosue 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:

FINDINGS OF FACT

1. Neel, whose mailing address is 4439 Wilmette Street, Fort Wayne, Indiana 46806, is a practical nurse with license number 27050535A.
2. Neel 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. The Board renewed Neel's license on probation in September 2014 for the following reasons. During the renewal application process he revealed that in the last renewal cycle he had been terminated for excessive absences from his place of employment. He did not report the termination on his renewal application.

5. In August 2015 Neel requested that the probation be withdrawn from his license.

6. At the hearing on withdrawal of probation, Neel testified that he had complied with the terms of his probation which included the active practice of nursing and submitting favorable employer reports.

7. But evidence also revealed that Neel has filled prescriptions for numerous doses of controlled substances in the last year. Neel claims he has panic attacks and is also seeing a pain management specialist.

8. Neel also smoked marijuana this summer.

9. Neel maintains that he has not ingested any controlled substances or smoked marijuana in the last few months and claims he has weaned himself from their use.

10. The deficiency that led to the probation on Neel's license involved incompetent practice and not being forthright with the Board. It is now also apparent that he may have a substance abuse problem. The use of controlled substances and smoking of illegal drugs constitute changed circumstances warranting a modification of the terms and conditions on his license.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

2. Neel's use of controlled substances and smoking of illegal drugs constitute changed circumstances warranting a modification of the terms and conditions on his license.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the ALJ recommends the Board **MODIFIES** the **PROBATION** on Neel's license as follows.

- a. Neel must be evaluated by the Indiana State Nurses Assistance Program ("ISNAP") within 60 days of the date of this order and the assessment must include a drug screen.
- b. If he is a candidate for monitoring he must sign a recovery monitoring agreement with ISNAP and comply with its terms.
- c. The duration of Neel's probation is modified in that if he is found not to be a candidate for monitoring, he may apply to have his probation withdrawn after that determination is made. But if he does sign a recovery monitoring agreement he must comply with its terms for at least three months before he may seek to have the probation withdrawn from his license.
- d. All other terms and conditions on his license will remain the same.

SO ORDERED, this 19th day of November 2015.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: Herbert W. Price

Natalie Hall, R.N.

Board President

Indiana State Board of Nursing

for

**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.

CERTIFICATE OF SERVICE

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

Larry Neel
4439 Wilmette Street
Fort Wayne, IN 46806
Service by U.S. Mail

Lorie A. Brown
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718 Timber Mill Lane.
Indianapolis, IN 46260
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Cathleen Nine-Altevogt
Attorney General's Office
302 West Washington Street
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11. 18. 2015
Date


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