

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2014 NB 234

IN THE MATTER OF THE LICENSE OF:)
LARRY MICHAEL NEEL, L.P.N.,)
LICENSE NO: 27050535A)



FINAL ORDER

Jeffrey Coto, 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 a Notice of Proposed Default hearing on October 6, 2016, in Conference Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning the Administrative Complaint filed against Larry Michael Neel, L.P.N.

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 November 17, 2016, votes 7 to 0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

SO ORDERED this 20th day of November, 2016.

INDIANA STATE BOARD OF NURSING

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

Handwritten initials "for" in cursive, positioned to the left of the signature block.

CERTIFICATE OF SERVICE

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

Larry Neel
4439 Wilmette Street
Fort Wayne, Indiana 46806
Service by US Mail

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

11.28.2016
Date


Lisa Chapman, Litigation Specialist

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.

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2014 NB 234

IN THE MATTER OF THE LICENSE OF:)
LARRY MICHAEL NEEL, L.P.N.,)
LICENSE NO: 27050535A)



**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

Jeffrey Coto, 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 a Notice of Proposed Default hearing on October 6, 2016, in Conference Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning the Administrative Complaint filed against Larry Michael Neel, L.P.N. ("Respondent").

Respondent failed to appear in person or by counsel. Patricia Gibson, Deputy Attorney General, represented the State of Indiana ("Petitioner").

On June 15, 2016, the Board sent notice to Respondent's address on file informing Respondent of the date, time, and place of the hearing on the Order to Show Cause scheduled for August 18, 2016.

Petitioner was represented by Patricia Gibson, Deputy Attorney General. Respondent failed to appear in person or by counsel for the scheduled Order to Show Cause and a Notice of Proposed Default was issued on August 18, 2016. The Notice of Proposed Default Order was sent by U.S. mail to Respondent's address of record on September 14, 2016. Respondent did not respond to the Order within the time specified by Indiana law.

The ALJ, after considering the evidence presented and taking official notice of its file in this matter, finds Respondent to be in **DEFAULT**. The ALJ, after considering the evidence

presented and taking official notice of the file in this matter, issues the following Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order:

RECOMMENDED FINDINGS OF FACT

1. Respondent is a Licensed Practical Nurse ("L.P.N.") in the State of Indiana having been issued license number 27050535A March 22, 2002.

2. Respondent's address on file with the Indiana Professional Licensing Agency is 4439 Wilmette Street, Fort Wayne, 46806.

3. On September 30, 2013, pursuant to a settlement agreement, the Board issued Respondent a letter of reprimand and fine for failing to disclose his termination for allegations of physical abuse on his licensure renewal.

4. On September 29, 2014, the Board placed Respondent's nursing license on indefinite probation. Respondent had been terminated again for excessive absences.

5. On November 13, 2015, an administrative hearing was held to consider Respondent's request to withdraw the probation from his license.

6. On November 13, 2015, evidence was presented that Respondent received numerous prescriptions for controlled substances. Respondent claimed to suffer from panic attacks, and that he was seeing a pain management specialist. Respondent admitted smoking marijuana in the summer. Respondent claimed to have weaned himself off controlled substances and marijuana.

7. On December 15, 2015, the Board modified the terms of Respondent's September 29, 2014, Order to require Respondent be evaluated by the Indiana State Nurses Assistance Program ("ISNAP") within sixty (60) days. If Respondent was found to be a candidate for monitoring, Respondent was to comply with the terms of his recovery

monitoring agreement (“RMA”) for three (3) months before requesting the withdrawal of the probation from his license. If Respondent was not found to be a candidate for monitoring, Respondent could immediately request the withdrawal of the probation from his license.

8. On December 28, 2015, ISNAP recommended Respondent complete a one year RMA. Respondent was diagnosed with sedative abuse in remission, and had significant use of hydrocodone, Xanax, and nuvigil during the past year.

9. On January 12, 2016, ISNAP considered Respondent’s appeal concerning the length of his RMA, and reduced his RMA to six (6) months.

10. On June 15, 2016, ISNAP gave Respondent one last opportunity to engage in monitoring. Respondent informed ISNAP that he would not enroll in ISNAP.

RECOMMENDED ULTIMATE FINDINGS OF FACT

1. Respondent’s conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(10) in that Respondent failed to comply with an order imposing sanction under section 9 of this chapter.

RECOMMENDED CONCLUSIONS OF LAW

Respondent’s violation is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of one thousand dollars (\$1,000) per violation as detailed in Ind. Code § 25-1-9-9.

RECOMMENDED ORDER

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

1. Respondent’s Indiana nursing license is placed on **INDEFINITE SUSPENSION**.

2. Prior to petitioning for the reinstatement of his Indiana nursing license, Respondent must contact the Indiana State Nurses Assistance Program, and complete a **six month RMA**.

3. Within ninety (90) days of the Final Order, Respondent shall, 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: Teresa Henson
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

4. Respondent shall, within ninety (90) days of the Final Order, pay **COSTS** in the amount of **ONE HUNDRED NINETY ONE DOLLARS AND FORTY CENTS (\$191.40)** payable to the Indiana Professional Licensing Agency. The costs, payable by check or money order, should be sent to:

Indiana Professional Licensing Agency
Attn: Nursing, Group 2
402 West Washington Street, Room W072
Indianapolis, Indiana 46204

5. Respondent's violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing 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.

SO ORDERED, this 24th day of October, 2016.

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, Indiana 46806
Service by U.S. Mail

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

Oct. 24, 2016

Date



Lisa Chapman, Litigation Specialist

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

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