

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2012 NB 331

IN THE MATTER OF THE LICENSE OF )  
 )  
SARAH DAWN NEW, R.N. )  
 )  
LICENSE NO: 28183300A (Active/Expired) )



COMPLAINT

This complaint is brought against the nursing license of Sarah Dawn New, R.N. ("Respondent"), by the Office of the Attorney General, by counsel, Deputy Attorney General Mark E. Mader, on behalf of the State of Indiana ("Petitioner") and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.* and Ind. Code § 25-1-9-1 *et seq.* and in support alleges and states:

FACTS

1. Respondent's address filed with the Indiana State Board of Nursing ("Board") is 315 West Colonial Drive, New Castle, Indiana 47362. Respondent is a licensed Registered Nurse ("R.N.") in the State of Indiana having been issued license number 28183300A on October 27, 2009.
2. On January 17, 2012, the IU Health Employee Assistance Program ("IU Health EAP") referred Respondent to the Indiana State Nurses Assistance Program ("ISNAP"). Respondent's employer had referred Respondent to IU Health EAP for acting impaired at work which resulted in Respondent's for-cause urine drug screen ("UDS") that was positive for tetrahydrocannabinol ("THC").
3. On January 17, 2012, Respondent initiated intake with ISNAP.

4. On January 18, 2012, Mike Denton, MS, LMFT, CADAC, IU Behavioral Health Program assessed Respondent and diagnosed her with alcohol dependence.

5. ISNAP reviewed Respondent's assessment and recommended a three (3) year Recovery Monitoring Agreement ("RMA") based on Respondent's diagnosis of alcohol dependence.

6. On January 28, 2012, Respondent returned her ISNAP RMA which directed Respondent to do the following:

- a. practice total abstinence from alcohol and controlled substances. Total abstinence was defined as no use, whatsoever, of any amount or kind of alcohol, any illicit drug, any narcotics, any controlled substances (Schedule I-V drugs), some prescription medications, and other mood-altering substances, including the drug Tramadol;
- b. make no claim that the presence of drugs in her specimen resulted from the ingestion of food or food supplements (i.e. herbs, poppy seeds) and over-the-counter medications (i.e. cough syrup, mouth wash, cold remedies);
- c. take no mood-altering drug within 48 hours of her work shift and notify ISNAP if such substances are prescribed to her;
- d. follow and be bound by the terms and conditions of the "Participant Handbook";
- e. notify ISNAP immediately if she required medical attention requiring mood altering substances;
- f. have an identified worksite monitor in any place of employment that involves her nursing license or is a health care setting;
- g. get prior approval before changing her employment;
- h. participate in random urine drug screens through Witham Laboratory, Lebanon, Indiana, or as otherwise directed by ISNAP;
- i. have an INSPECT Report done by her addictionist every quarter and ensure that her addictionist submit a quarterly report with the INSPECT Report;
- j. participate in 12 Step and/or Nurse Support (Caduceus) meetings;
- k. submit monthly reports, along with her AA/NA logs by the 10<sup>th</sup> of each month for the previous month; and
- l. ensure that her identified treating therapist(s), addictionist, worksite monitor, and RMA sponsor, will submit quarterly reports.

7. During the course of ISNAP monitoring over six (6) months, from January 28, 2012 to June 27, 2012, Respondent's records reveal the following RMA deficiencies:

- a. seven (7) missed UDS's - 2/16/2012; 3/30/2012; 4/12/2012; 4/16/2012; 5/1/2012; 5/7/2012; 5/25/2021;
- b. a three (3) month extension of Respondent's RMA due to non-compliance.

8. On June 27, 2012, ISNAP terminated Respondent's case for her pattern of non-compliance with urine drug screens and referred her case closure to the Indiana Professional Licensing Agency ("IPLA") and Petitioner.

9. ISNAP is the monitoring system implemented by the Board to monitor impaired nurses in order to assure the public that nurses assessed with alcohol or drug addictions are not a threat to the public health and safety if the Board permits them to continue to practice nursing.

10. Respondent was diagnosed with alcohol dependence. Respondent is an impaired nurse. Without a monitoring system in place, an impaired nurse is a threat to the public health and safety if permitted to practice nursing.

#### COUNT I

11. Petitioner repeats and incorporates herein by reference allegations 1 through 10.

12. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's alcohol dependence diagnosis.

#### COUNT II

13. Petitioner repeats and incorporates herein by reference allegations 1 through 10.

14. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although she has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondent's

failure to comply with ISNAP program requirements that resulted in the termination of Respondent's participation in ISNAP in violation of Indiana Code § 25-23-1-31 and 848 IAC 7-1-7.

Respectfully submitted,

GREGORY F. ZOELLER  
Attorney General of Indiana  
Attorney No. 1958-98

By: Mark E. Mader  
Mark E. Mader  
Deputy Attorney General  
Attorney No. 8972-98

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Complaint" has been served upon Respondent by United States mail, first-class, postage prepaid, on this 31<sup>st</sup> day of July, 2012.

Sarah Dawn New  
315 West Colonial Drive  
New Castle, Indiana 47362

By: Mark E. Mader  
Mark E. Mader  
Deputy Attorney General

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