BEFORE THE INDIANA STATE BOARD OF NURSING
CAUSE NUMBER: 2004 NB 0086

FILED
JAN 16 2018
Indiana Professional Licensing Agency

IN THE MATTER OF THE LICENSE OF:	)
	)
KATHERINE BRYANT RICHARDSON, R.N.,	)
	)
LICENSE NO: 28119462A	)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Indiana State Board of Nursing ("Board") conducted a hearing on December 14, 2017, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Katherine Richardson's request to reinstate her license as a nurse.

Richardson appeared in person and waived her right to be represented by counsel. Patricia Gibson of the Attorney General's Office represented the State of Indiana.

The Board, after taking official notice of the file in this matter votes 6 to 1, to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Richardson, whose mailing address is 6706 Madison Street, Merrillville, Indiana 46410 is a registered nurse with license number 28119462A.

2. Richardson 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. In December 2004 the Board suspended Richard's license due to the following facts:

a. On or about August 17, 1999, the Respondent and her sister, Valerie Fullilove, incorporated with the Secretary of State "A Physicians and Surgeons Community Clinic Incorporated." The stated purpose for which the corporation was formed was vocation career training.

b. On or about October 15, 2001, a self-professed vocational and training school, Physicians and Surgeons Community School (hereinafter "PSCS"), was opened in Hammond, Indiana.

c. Valerie Fullilove, CEO, and the Respondent, operated PSCS. Valerie Fullilove holds a masters degree in Hospital Administration, but is not a registered nurse.

d. On or about October 22, 2001, PSCS collected tuition and began a program for Licensed Practical Nurses. At the time of the first class, a deposit of $1500.00 was due, with $250.00 being paid on the balance every two weeks, for a total tuition amount of $4550.00 per student for the LPN Program. According to a memo by Paulette Worcester to the members of the Indiana State Nursing Board, ("Board") on December 12, 2001, tuition was increased to either $6050 or $6550 before the first class of students entered. Students were required to pay a $1500 deposit, a $50 application fee and tuition payments of $250 every two (2) weeks for twenty (20) weeks total.

e. At the time PSCS began its LPN Program, it advertised in the local paper for prospective students. In its admission procedures PSCS indicated a number of facts in printed material including the facts that: "[S]tatistics

indicate that those graduates seeking employment have a 100% placement rate.", and "[A] certificate is awarded upon completion of the Program, and the graduate is eligible to take the Examination to become a Licensed Practical Nurse."

f. The Admission Materials for PSCS also stated that the Program was approved by the Department of Regulation for the State of Indiana. No such Department exists. This statement in itself is misleading because various health profession boards regulate Health Professionals pursuant to IC § 25-1-9 et. seq.

g. The Admissions Materials for PSCS stated that the Program was accredited through the Indiana Commission on Proprietary Education (hereinafter "COPE"). In bold print the application also stated, "WELCOME TO AN ACCREDITED INSTITUTION." This statement in itself was true, but it was also misleading because COPE only has jurisdiction over programs involving medical billing, computer applications, dental assistants and hospital billing. The Board has sole jurisdiction over all LPN accreditations. Further, the L.P.N. syllabus lists the Department of Professional Regulation as the accrediting agency for L.P.N.'s.

h. On or about October 22, 2001, the beginning of the PSCS nursing program, PSCS had not received or attempted to gain any accreditations through the Board.

i. On or about November 5, 2001, PSCS received a letter from COPE stating that the LPN program would need to be approved by the Board.

j. On or about December 10, 2001, Paulette Worcester, R.N., and Kristen Kelley, Board Director, conducted a survey of PSCS. Respondent was present at this survey. The Respondent and Ms. Fullilove had been operating PSCS prior to the survey without seeking accreditation pursuant to the requirements of 848 IAC 1-2-1 et seq. for opening up a facility.

k. Respondent was listed as the Director of Nursing on PSCS's LPN program class syllabus. Respondent does not have the requisite master's degree required by 848 IAC 1-2-14(a), to hold this position. Respondent admitted during the survey visit on December 10, 2001, that she signed an application form for clinical studies at Lake County Nursing and Rehab Center as Nursing Program Director.

l. On or about December 10, 2001, during the survey visit, it was determined that PSCS did not have clinical space for its LPN program. The program did not have contractual agreements with Lake County Nursing and Rehabilitation Center or any hospital. There was an application form from Lake County Nursing. Ms. Fullilove stated she sent a cover letter and the application form to ten area hospitals asking for clinical space and for the administrator to send the completed form to the Board. As of the date of survey, no completed application form had been received.

m. Respondent's signature appears on a "Prospective Students" letter on behalf of PSCS that denotes "CERTIFICATE LEVEL LPN PROGRAM."

5. In August 2017, Richardson requested that her license be reinstated.

6. At the hearing on reinstatement, Richardson presented evidence that she had served her three-year suspension, paid her $2,000.00 fine, and completed her three hours of continuing education in ethics.

7. Richardson has been working as a nurse in Illinois while her Indiana license has been on suspension.

8. Richardson claimed she only recently learned that she was on the Office of Inspector General Exclusion list. She was very vague about who she had been working for while she was on that list or how she obtained employment while being on the list.

9. Her Illinois license was not disciplined although it was not clear of the licensing authorities in that state were aware of her Indiana suspension.

10. Regardless, Richardson has established that she may practice with reasonable skill and safety to the public provided she complies with the following terms and conditions on her license.

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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 Richardson has established that she may practice with reasonable skill and safety to the public, her license may be reinstated on probation.

ORDER

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

1. Richardson's license as a registered nurse will be reinstated on **INDEFINITE PROBATION**. She may petition to have the probationary order withdrawn after six months of practice evaluated by a nurse supervisor.

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

a) Richardson must keep the Board apprised of the following information in writing and update it as necessary:

1. Her current home address, mailing address, e-mail address and residential telephone number.
2. Her place of employment, employment telephone number, employment e-mail address and name of supervisor.

b) Richardson shall provide a copy of all Board orders imposing discipline or limiting practice to any employer who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of the Order.

c) Richardson shall also supply a copy of the order to the Office of Inspector General.

d) Richardson 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 she is unemployed as a nurse, she must submit quarterly reports to the Board on her personal circumstances.

e) Richardson must immediately report any future arrests, discipline at work, or licensing charges to the Board in writing.

3) The failure of Richardson to comply with the terms of this order may subject her to a show cause hearing and the imposition of further sanctions.

SO ORDERED, this 16th day of January 2018.

INDIANA STATE BOARD OF NURSING

By: Maureen Bennett
for Kim Cooper, R.N.
Board President
Indiana State Board of Nursing

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CERTIFICATE OF SERVICE

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

Katherine Bryant Richardson, R.N
6706 Madison St
Merrillville, IN 46410
Service by U.S. Mail

Patricia Gibson
Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by Email

1. 16. 2018
Date

Lisa Chapman
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.