

2. Respondent was employed as a registered nurse at Our Lady of Peace Hospital in South Bend, Indiana, from July 2000 to June 27, 2003.

3. Respondent's employment was terminated on the following grounds:

- i. verbal abuse of patients and staff;
- ii. failure to follow standards of care resulting in actual or potential neglect/harm to patients;
- iii. excessive personal calls and use of facility computers while on duty; and
- iv. unprofessional behavior in front of patients and families such as angry outbursts, insubordination, and disrespectful behavior.

4. Respondent was suspended from the facility on July 16, 2002 during an investigation of complaints from patients and staff regarding his demeanor and neglect of nursing duties.

5. Respondent was permitted to return to work at the conclusion of the investigation after he signed an "improvement agreement." Respondent was advised that any such future conduct could result in further discipline.

6. In June 2003, the facility conducted another investigation regarding Respondent's on-duty conduct. The investigation revealed Respondent had continued:

- i. to ignore patient call lights while using the telephone and computer for personal reasons or watching television despite the shift supervisor's warnings; and
- ii. to be verbally abusive and "rough" with patients.

7. Respondent was employed as an LPN at Holy Cross Care Services in South Bend, Indiana from October 1997 to September 26, 1999.

8. Respondent's employment at Holy Cross was terminated on grounds he "violated resident's rights" and displayed "poor judgment."

9. While employed at Holy Cross, Respondent was given written warnings for:

- i. medication errors;
- ii. failure to properly complete admission orders;
- iii. unprofessional conduct;
- iv. failure to timely complete patient treatments; and
- v. failure to prepare for care plan reviews.

10. On September 26, 1999, Respondent improperly physically restrained a combative patient. The patient was bruised as a result of Respondent's actions resulting in the termination of his employment.

CONCLUSIONS OF LAW

1. Respondent's conduct constitutes a violation of Indiana Code §25-1-9-4(a)(3) "a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question." Respondent violated 848 IAC 2-2-3(1) in that he displayed inappropriate interpersonal skills in nursing care by being insubordinate and verbally aggressive with patients and staff while employed at Our Lady of Peace.

2. Respondent's conduct constitutes a violation of Indiana Code §25-1-9-4(a)(3) "a practitioner has knowingly violated any state statute or rule, or federal statute

or regulation, regulating the profession in question.” Respondent violated 848 IAC 2-2-3(5) in that he verbally abused his patients while employed at Our Lady of Peace.

3. Respondent’s conduct constitutes a violation of Indiana Code §25-1-9-4(a)(3) “a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question.” Respondent violated 848 IAC 2-2-3(7) in that he neglected his patients while employed at Our Lady of Peace.

4. Respondent’s conduct constitutes a violation of Indiana Code §25-1-9-4(a)(3) “a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question.” Respondent violated 848 IAC 2-3-3(1) in that he used unsafe judgment and technical skills while employed at Holy Cross.

5. Respondent’s conduct constitutes a violation of Indiana Code §25-1-9-4(a)(3) “a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question.” Respondent violated 848 IAC 2-3-3(5) in that he physically abused a patient while employed at Holy Cross.

ORDER

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

1. Respondent’s nursing license is placed on **INDEFINITE PROBATION**.
2. Respondent may not petition the Board to have the probationary status withdrawn for a period of **two years**.
3. Respondent shall comply with the following **TERMS AND CONDITIONS**:
 - A. Respondent shall keep the Board informed of his residential and employment addresses and phone numbers at all times.

- B. Respondent shall submit quarterly reports from his employer addressing his attendance, competency, and general employment performance.
- C. Respondent shall obtain a psychological evaluation and attend an anger management program within three months of the date of this final order.
- D. Respondent shall obtain four continuing education hours addressing geriatric care within three months of the date of this final order and shall submit proof of completion for the continuing education to the board.
- E. Respondent shall obtain four continuing education hours addressing communication skills within three months of the date of this final order and shall submit proof of completion for the continuing education to the board.
- F. Respondent shall obtain four continuing education hours addressing patient dementia management within three months of the date of this final order and shall submit proof of completion for the continuing education to the board.
- G. Respondent shall pay a **FINE** in the amount of five hundred dollars **(\$500.00)** payable to the Health Professions Bureau at 402 West Washington Street, Room W066, Indianapolis, Indiana, 46204, within six months of the date of this final order.

4. Failure to comply with the terms of this Order or any violation of the rules, regulations, or statutes governing the practice of nursing may subject Respondent to an order to show cause, summary suspension, revocation or other discipline.

SO ORDERED, this 29 day of April 2005.

INDIANA STATE BOARD OF NURSING

By: Frances L. Kelly (LAK)
Frances L. Kelly
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