

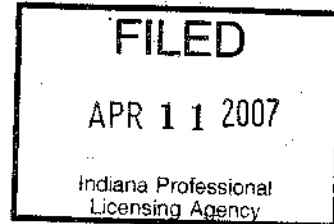
STATE OF INDIANA, )

Petitioner, )

v. )

MARY ELIZABETH NICHOLS, L.P.N., )  
LICENSE NUMBER: 27025720A, )

Respondent. )



**FINDINGS OF FACT AND ORDER**

The Indiana State Board of Nursing ("Board") held an administrative hearing on March 15, 2007 in the Auditorium of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning a disciplinary complaint filed against Mary Elizabeth Nichols, L.P.N. ("Respondent").

The State of Indiana was represented by Deputy Attorney General Shelley M. Johnson. The Respondent appeared in person and waived her right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 7-0-0, issues the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. The Respondent's address on file with the Board is 5844 East 43<sup>rd</sup>, Indianapolis, Indiana, 46226, and she is a duly licensed practical nurse holding license number 27025720A.

2. On or about November 5, 1999, Respondent became employed as a licensed practical nurse at Community Nursing and Rehabilitation.
3. On or about November 23, 1999, Respondent received a written employee counseling form for a patient care issue.
4. On or about January 19, 2000, Respondent was written up for failure to complete admissions properly for residents.
5. On or about May 10, 2000, Respondent received written discipline for being tardy to work.
6. On or about August 2, 2000, Respondent was written up for absences.
7. Respondent was written up again on or about October 24, 2000 for failure to be at work when assigned.
8. On or about October 20, 2000, Respondent was terminated from her employment at Community Nursing and Rehabilitation for attendance problems.
9. On or about October 25, 2000, Respondent began working at Rosewalk Village in Indianapolis, Indiana.
10. During her tenure at Rosewalk Village, Respondent received two work improvement plans.
11. On or about February 11, 2002, Respondent was terminated from her employment at Rosewalk Village.
12. On or about March 6, 2002, Respondent began working as a licensed practical nurse at Marquette Manor.
13. On or about October 10, 2004, Respondent was terminated from her employment with Marquette Manor for sleeping on her job.

14. On or about November 19, 2004, Respondent began working at Briarwood Health and Rehabilitation Services.

15. On or about January 31, 2005, Respondent failed to follow rules with regard to clocking in and out with the assigned badge.

16. On or about April 19, 2005, Respondent did chart Accuchecks for diabetic residents. She received her first written warning on the same date.

17. On or about February 2, 2005, Respondent received a written warning for punching out an Ambien dosage for an order that had been discontinued. The Ambien had not been given and should have been removed from the patient cart.

18. On or about July 13, 2005, Respondent was terminated from her employment with Briarwood Health and Rehabilitation Services because she tested positive for Cocaine.

19. On or about September 1, 2005, Respondent initiated the intake process at the Indiana State Nurses Assistance Program ("ISNAP").

20. On or about September 2, 2005, Respondent was diagnosed with Cocaine dependence.

21. On or about September 6, 2005, the ISNAP Clinical Team met and determined that the Respondent should be placed in a three (3) year Recovery Monitoring Agreement ("RMA").

22. On or about September 9, 2005, Respondent signed and returned the RMA to ISNAP.

23. On or about February 6, 2006, Respondent was in significant non-compliance.

24. On or about March 14, 2006, the Clinical Team at ISNAP met and determined that the Respondent's case should be closed for non-compliance.

25. On or about March 20, 2006, the Respondent called and asked if ISNAP would consider not closing her case. She agreed to comply with ISNAP's requirements.

26. On or about April 28, 2006, Respondent was in significant non-compliance.

27. On or about July 27, 2006, Respondent's case was in partial compliance.

28. On or about July 27, 2006, Respondent's worksite monitor called to state that she was moody and wasn't keeping her appointments with the worksite monitor.

29. On or about October 2, 2006, Respondent informed ISNAP that she was terminated from her position for sleeping on her job. She stated she had not been doing her urine drug screens because she cannot afford to do so.

30. On or about November 28, 2006, Respondent was in significant non-compliance. The Clinical Team met and decided to close her case due to non-compliance.

31. On or about October 30, 2006, Respondent answered "No," to the question "Have you ever been terminated, reprimanded, disciplined or demoted in the scope of your practice as a nurse or another health care professional?"

#### **ULTIMATE FINDINGS OF FACT**

1. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(A) in that the practitioner has knowingly cooperated in fraud or material deception in order to obtain a license to practice.

2. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B) in that the practitioner has engaged in fraud or material deception in the course of professional services or activities.

3. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4)(A) in that the practitioner has continued to practice although the practitioner has become unfit to practice due to professional incompetence, to wit: 848 IAC 2-3-3 (1) Using unsafe judgment, technical skills, or inappropriate interpersonal behaviors in providing nursing care.

4. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4)(D) in that the practitioner has continued to practice although the practitioner has become unfit to practice due to 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.

### **ORDER**

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

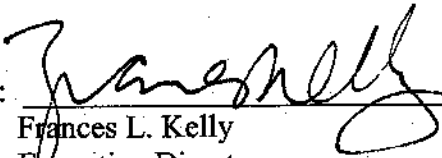
1. Respondent's Indiana practical nurse license is placed upon **INDEFINITE SUSPENSION**. Respondent may not petition for reinstatement of her Indiana nursing license for a period of one (1) year from the date of execution of the Final Order.

2. As a **CONDITION PRECEDENT** to reinstatement, Respondent must sign a contract with the Indiana State Nurses Assistance Program and must maintain complete compliance with that program for a period of at least six (6) months.

3. As a **CONDITION PRECEDENT** to reinstatement, Respondent must pay a **FINE** in the amount of **five hundred dollars (\$500.00)** made payable to the Indiana Professional Licensing Agency located at 402 West Washington Street, Room W072, Indianapolis, Indiana, 46204 prior to seeking reinstatement of her Indiana nursing license.

**SO ORDERED**, this 11 day of April 2007.

INDIANA STATE BOARD OF NURSING

By:   
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

Copies to:

Mary Elizabeth Nichols, L.P.N.  
5844 East 43<sup>rd</sup> St.  
Indianapolis, Indiana 46226

**CERTIFIED MAIL NUMBER: 7005 3110 0002 4933 7555**  
**RETURN RECEIPT REQUESTED**

Deputy Attorney General Shelley M. Johnson  
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Indiana Government Center South  
402 West Washington Street, Fifth Floor  
Indianapolis, IN 46204-2770