

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2003 NB 0051

STATE OF INDIANA,

Petitioner,

v.

Elaine Myers, R.N.,
License Number: 28119081A,

Respondent.



**FINDINGS OF FACT. ULTIMATE FINDINGS OF FACT. CONCLUSIONS OF
LAW AND ORDER**

The Indiana State Board of Nursing ("Board") held an administrative hearing in the Auditorium of the Conference Center, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning the Order to Show Cause issued by the Board on March 22, 2006 against the Respondent, Elaine Myers.

The State of Indiana was represented by Patrick J. McCool, Deputy Attorney General ("Petitioner"). Respondent appeared in person.

The Board, after considering the evidence and taking official notice of its file in this case, by a vote of 8-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Respondent's address is 1615 South 575 East, Whitestown, IN 46075, and she is a duly licensed registered nurse in the State of Indiana having been issued license number 28119081A.

2. On or around July 7, 2003, Respondent's license was placed on Indefinite Probation. The Board approved an agreement between the parties as Respondent

admitted to failing to properly document and account for certain controlled substances while employed at the offices of Reproductive Care of Indiana.

3. In addition, Respondent admitted that she operated beyond the scope of her authority as a registered nurse in dispensing controlled substances to patients without the express authority of a physician.

4. According to the conditions of Respondent's probation, she had to provide a copy of all Board orders to her employers and return a signed copy to the Board, she had to cause her supervisors to submit quarterly reports, and she had to complete twelve (12) hours of continuing education.

5. On or around February 15, 2006, Respondent was charged with Acquiring a Controlled Substance by Fraud and two (2) counts of Possession of a Controlled Substance in Marion County Superior Court.

6. On or around March 22, 2006, the Board issued an Order To Show Cause against Respondent due to Respondent's failure to submit any supervisor quarterly reports, failure to complete the twelve (12) hours of continuing education, and failure to forward a copy of the Board's order signed by Respondent's supervisor.

7. On or around April 20, 2006, Respondent admitted to having a substance abuse problem and stated that her sobriety date was April 2, 2006 as she had consumed Vicodin on April 1, 2006. Respondent admitted to not having a prescription for Vicodin as she received the Vicodin from "someone her husband works with."

8. On or around April 20, 2006, Respondent admitted to falsifying a prescription so that she and her husband could obtain Vicodin in February 2006. Respondent and her husband would split the Vicodin evenly.

ULTIMATE FINDINGS OF FACT

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

CONCLUSIONS OF LAW

Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions that could include a fine in the amount of \$1000.00, probation, suspension, or a revocation of license as detailed in Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

ORDER

Based on the Findings of Fact, the Board issues the following:

1. Respondent's license to practice is Indefinitely Suspended. Respondent shall not petition for reinstatement until she had been in compliance with her Recovery Monitoring Agreement for six months and the Indiana State Nurses Assistance Program believes she is fit to return to work as a nurse.

2. Violation of this Final Order, or otherwise reported non-compliance with the statutes and regulations relating to the competent practice of nursing, may result in the State of Indiana independently, or at the request of the Board, requesting an emergency suspension of Respondent's license, pending a reinstatement of the initial action giving rise to this resolution, 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(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED this 27 day of April, 2006.

INDIANA STATE BOARD OF NURSING

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

Copies to:

Elaine Myers
1615 South 575 East
Whitestown, IN 46075

CERTIFIED MAIL NUMBER: 7005 3110 0002 4938 1169
RETURN RECEIPT REQUESTED

Deputy Attorney General, Patrick J. McCool
OFFICE OF THE ATTORNEY GENERAL
402 West Washington Street, 5th Floor
Indianapolis, Indiana 46204-2770