

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO. 2005 NB 0016

STATE OF INDIANA,

Petitioner,

v.

LORRY W. NESTER, R.N.,
LICENSE NO. 28106870A

Respondent.

FILED

JUN 24 2005

HEALTH PROFESSIONS
BUREAU

**ORDER CONTINUING SUMMARY SUSPENSION AND NOTICE OF
PROPOSED DEFAULT**

A hearing was scheduled to be held on May 19, 2005 before the Indiana State Board of Nursing ("Board") in the Auditorium of the Conference Center in the Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana, 46204, to consider the Complaint filed by the State ("Petitioner"), on or about March 9, 2005, against the Respondent Lorry W. Nester, R.N.

Laura E. Wilford, Deputy Attorney General, represented the State of Indiana. Respondent failed to appear in person or by counsel.

Pursuant to Indiana Code § 4-21.5-4-1 *et seq.* and § 25-1-9-10, and after taking judicial notice of its file, the Board, by a vote of 6-0-0, hereby **ORDERS** a continuation of the summary suspension of the Respondent's nursing license for an additional ninety (90) days as the Board finds that an emergency exists and that the Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice in the State of Indiana based on the evidence in the Board's file.

Pursuant to Indiana Code § 4-21.5-3-24, the Board, by a vote of 6-0-0, also **ISSUES** a Notice of Proposed Default Order on the following grounds:

1. Respondent is a registered nurse in the State of Indiana holding license number 28106870. Her address on file with the Board is 526 East Walnut Street, Greentown, Indiana, 46936.
2. On April 5, 2005, the Health Professions Bureau sent a notice to Respondent at her listed addresses, informing her of the time, date, and place of the final hearing on this matter.
3. On May 19, 2005, Respondent failed to appear for the hearing in person or by counsel.
4. Pursuant to IC 4-21.5-3-20, Respondent was provided adequate notice of the date, time, and place of the final hearing date and failed to appear for said hearing on May 19, 2005.

ORDER

WHEREFORE, RESPONDENT IS ORDERED to immediately cease and desist from all acts constituting the practice of nursing for an additional period of 90 days from the date of this Order.

IT IS FURTHER ORDERED, that Respondent shall immediately surrender all indicia of licensure, including her pocket license and wall license, to the Board in care of the Health Professions Bureau, 402 West Washington Street, Room 066, Indianapolis, Indiana, 46204.

IT IS FURTHER ORDERED, that for the Respondent's failure to appear for her scheduled hearing, the Board issues the following Notice of Proposed Default:

In accordance with Indiana Code § 4-21.5-3-24, the Respondent must file a written motion within seven (7) days of service of this Order requesting that the Board not enter a default order in this case and stating the reasons relied upon for her request. Failure of the Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If the Respondent timely files a motion, the Board shall consider said motion along with any other relevant facts in determining whether a default order should be entered. Should a default order be entered against the Respondent, the Board may hold further proceedings it deems appropriate to complete this case without the participation of the Respondent.

SO ORDERED, this 24th day of June 2005.

INDIANA STATE BOARD OF NURSING

By: _____

Frances L. Kelly

Frances L. Kelly
Executive Director
Health Professions Bureau

Copies to:

Lorry W. Nester, RN
526 East Walnut Street
Greentown, Indiana 46936

CERTIFIED MAIL NUMBER: 7003 3110 0003 5658 2024
RETURN RECEIPT REQUESTED

Laura E. Wilford
Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL
402 West Washington Street
Indianapolis, Indiana 46204-2770