

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2011 NB 0362

IN THE MATTER OF THE LICENSE OF:)

ASHLEE NICKLESS-LOPEZ, L.P.N.)

LICENSE NUMBER 27067717A)



FINAL ORDER

Jerry Burghduff, designated by the Indiana State Board of Nursing ("Board"), pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge ("ALJ") held an administrative hearing on August 1, 2013, concerning Ashlee Lopez's request to withdraw the probation from her license as a nurse.

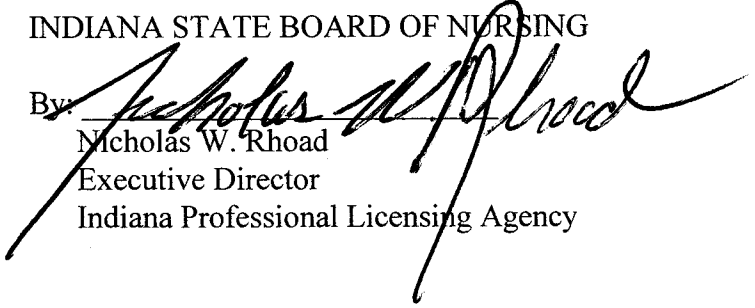
A copy of the ALJ's Recommended Findings of Fact, Conclusions of Law and Order is attached hereto as Exhibit A and made a part hereof.

Pursuant to Ind. Code § 4-21.5-3-29(c) the Board, at its meeting of September 19, 2013, votes 5 to 0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

The probation on Lopez's license is **WITHDRAWN**.

ISSUED this 20th day of September, 2013.

INDIANA STATE BOARD OF NURSING

By: 

Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order" has been duly served upon:

Ashlee Lopez
3416 Prairie View Circle
Danville, IN 46122
Service by U.S. Mail

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

9.20.13
Date

Lisa Chapman
Lisa Chapman

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.

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2011 NB 0362

IN THE MATTER OF THE LICENSE OF:)

ASHLEE NICKLESS-LOPEZ, L.P.N.)

LICENSE NUMBER 27067717A)

FILED

AUG 13 2013

Indiana Professional
Licensing Agency

**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER**

Jerry Burghduff, designated by the Indiana State Board of Nursing ("Board") pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge ("ALJ"), held an administrative hearing on August 1, 2013, in Conference Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Ashlee Lopez's request to withdraw the probation from her license as a nurse.

Lopez appeared in person and waived her right to be represented by counsel.

Joshua Timmons of the Attorney General's Office represented the State of Indiana.

The ALJ, after considering the evidence presented and taking official notice of the file in this matter, issues the following Recommended Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Lopez, whose mailing address is 3416 Prairie View Circle, Danville, Indiana 46122, is a practical nurse with license number 27067717A.

2. Lopez received timely and proper notice of the date, time, and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

Exhibit
A

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. The Board issued Lopez's Indiana license on probation in October 2011 because in 2008 she had been arrested for conversion. She completed a one year pre-trial diversion program for that charge. In 2010 her driver's license was suspended for failure to pay a fine.

5. Lopez requested that the probation be withdrawn from her license.

6. At the hearing on withdrawal of probation, Lopez testified that she has complied with the terms of her probation which included one year of active nursing practice with favorable employer reports.

7. The deficiency that led to placing Lopez's license on probation involved poor judgment and criminal activity. Lopez's compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

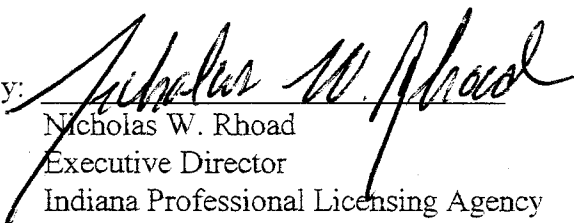
2. Lopez's compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge recommends **WITHDRAWAL** of the probation on Lopez's license.

SO ORDERED, this 13th day of August, 2013.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: 
Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

**NOTICE OF RIGHT TO OBJECT TO RECOMMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

Either party may object to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order: but any objection must be filed with the Indiana State Board of Nursing, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the ISSUANCE of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency offices are closed during regular business hours in which case the deadline would be the first day which is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency offices are closed during regular business hours. The ALJ's Recommended Findings of Fact, Conclusions of Law and Order is not the final order of the Indiana State Board of Nursing in this proceeding. In the absence of any objection, the Indiana State Board of Nursing may affirm the ALJ's Recommended Findings of Fact, Conclusions of Law and Order as its final order or will serve notice of its intention to review any issue related to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order.

CERTIFICATE OF SERVICE

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

Ashlee Lopez
3416 Prairie View Circle
Danville, IN 46122
Service by U.S. Mail

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

Aug. 15, 2013
Date

Lisa Chapman
Lisa Chapman

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
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Phone: 317-234-2043
Fax: 317-233-4236
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I HAVE REVIEWED THE RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER IN THIS MATTER AND HEREBY KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY WAIVE MY RIGHT TO FILE A WRITTEN OBJECTION TO THEM WITH THE INDIANA STATE BOARD OF NURSING.

Ashlee Lopez, L.P.N.

Date _____

STATE OF _____)
) SS:
COUNTY OF _____)

Before me a Notary Public for said County and State, personally appeared Ashlee Lopez and signed the foregoing.

Signed and sealed this _____ day of _____, 2013

Signature

Printed

My Commission Expires: _____

County of Residence: _____

Joshua Timmons
Attorney General's Office
Attorney Number 30932-49
Attorney for the State of Indiana

Date _____