

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2012 NB 275

IN THE MATTER OF THE LICENSE OF:)
BARBARA J. NICKERSON, L.P.N.)
LICENSE NO: 27018814A (ACTIVE))

FILED

JUN 11 2012

Indiana Professional
Licensing Agency

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General Patricia Gibson, on behalf of the Office of the Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Complaint against the Indiana nursing license of Barbara J. Nickerson, L.P.N., ("Respondent"), and in support alleges and states the following:

FACTS

1. Respondent is a Licensed Practical Nurse ("LPN") in the State of Indiana having been issued license number 27018814A on December 1, 1978. Respondent's address on file with the Indiana Professional Licensing Agency is 5680 West 200 North, Greenfield, Indiana 46140.
2. On or about February 3, 2003, Respondent was employed as a LPN at Regency Place located in Greenfield, Indiana.
3. On or about April 24, 2003, Respondent was the nurse in charge during a resident elopement to outside of the facility. Respondent received verbal counseling for failing to notify the nurse on call and document the elopement in the nurse's notes. Respondent's late entry nursing notes were incomplete; she failed to document the resident's behaviors prior to elopement, his assessment upon return to the unit and whether the family and physician were notified. Respondent marked the event form as witnessed when she did not witness the elopement, and failed to include the elopement on the twenty-four (24) hour report.

4. On or about May 13, 2009, Respondent received a final written warning. Respondent failed to transcribe a medication order correctly which resulted in a resident receiving medication five (5) days longer than ordered and a second medication being started earlier than ordered. Respondent documented a skin assessment as "no open areas" and then signed a certified nursing assistant shower sheet that showed an open area. Respondent failed to document the open area and contact the physician. The open area was reported seven (7) days later and was a stage four (IV). Respondent was placed on thirty (30) days probation.

5. On or about October 27, 2010, Respondent renewed her Indiana nursing license and answered all questions "No" including question five (5) which asks, "Since you last renewed have you ever been terminated, reprimanded, disciplined or demoted in the scope of your practice as a nurse or as another health care professional?" failing to disclose her 2009 probation.

COUNT I

6. Paragraphs 1-5 are incorporated by reference herein.

7. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by failure to properly document a resident elopement, transcribe a medication order correctly, document an open skin area and contact the physician.

COUNT II

8. Paragraphs 1-5 are incorporated by reference herein.

9. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in fraud or

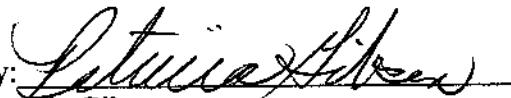
material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose her 2009 probation on her 2010 Indiana license renewal.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and;
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

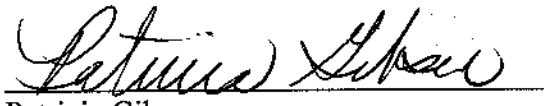
GREGORY F. ZOELLER
Attorney General of Indiana
Attorney Number: 1958-98

By: 
Patricia Gibson
Deputy Attorney General
Attorney Number: 12011-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United States mail, first-class, postage prepaid, on this 11th day of June, 2012.

Barbara J. Nickerson, L.P.N.
5680 West 200 North
Greenfield, IN 46140

A handwritten signature in cursive script, appearing to read "Patricia Gibson", written over a horizontal line.

Patricia Gibson
Deputy Attorney General

Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Phone: (317) 234-2596
Fax: (317)233-4393
Patricia.Gibson@atg.in.gov