

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2011 NB 357

IN THE MATTER OF THE LICENSE OF:)
VIRGINIA S. OLDS, R.N.,)
LICENSE NO: 28183459A)



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

The Indiana State Board of Nursing ("Board") held an administrative hearing on April 19, 2012 in the Auditorium of Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204 concerning an Administrative Complaint issued against the nursing license of Virginia S. Olds, R.N. ("Respondent") on October 19, 2011.

Deputy Attorney General Mark E. Mader represented the Petitioner. Respondent failed to appear in person or 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, found Respondent to be in **DEFAULT**. The Board then held further proceedings in Respondent's absence and after taking official notice of its file in this matter and the evidence presented by Petitioner, by a vote of 6-0-1, issued the following:

FINDINGS OF FACT

1. Respondent is a licensed Registered Nurse, ("R.N.") in the State of Indiana having been issued license number 28183459A by the Indiana State Board of Nursing ("Board") on March 12, 2009. Respondent's address, as listed with the Board, is 2834 Inwood Drive, Fort Wayne, Indiana 46815.

2. On March 25, 2011, Linda Pruitt, Luthern Hospital, Ft. Wayne, Indiana, referred Respondent to the Indiana State Nurses Assistance Program ("ISNAP"). Pruitt stated

Respondent had a positive Uring Drug Screen ("UDS") for hydromorphone and morphine and did not have a prescription for either. Respondent's employment was terminated when she failed to return to work after her UDS.

3. On March 25, 2011, ISNAP sent Respondent a letter notifying her to contact ISNAP and advising her of the consequences for failing to do so. Respondent failed to contact ISNAP. On April 11, 2011, ISNAP closed Respondent's file and filed a complaint with Petitioner's office.

4. ISNAP is the monitoring system implemented by the Board to monitor impaired nurses in order to assure the public that nurses assessed with alcohol or drug addictions are not a threat to the public health and safety if the Board permits them to continue to practice nursing.

5. Respondent has been assessed as an impaired nurse. Without a monitoring system in place, an impaired nurse is a threat to the public health and safety if permitted to practice nursing.

6. Petitioner filed an Administrative Complaint against Respondent's nursing license in this matter on or about October 19, 2011.

7. On November 21, 2011, IPLA sent notice to Respondent, by certified and regular mail to her address on file with IPLA of the date, time, and place of the administrative hearing scheduled for December 15, 2011.

8. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the disciplinary hearing and failed to appear for the hearing scheduled on December 15, 2011.

9. On December 15, 2011, the Board voted 8-0-0 to issue a Notice of Proposed Default. On December 21, 2011, the Notice of Proposed Default Order was mailed by certified and regular mail to Respondent at her last known address. The Notice of Proposed Default

Order directed Respondent to file a written motion within seven (7) days requesting the Board not issue a default order in this case and stating the reasons relied on for that request. Respondent failed to respond to the Notice of Proposed Default Order within seven (7) days as required by Ind. Code § 4-21.5-3-24.

CONCLUSIONS OF LAW

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that she has continued to practice although the Respondent has become unfit to practice due to an 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.

2. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that she has continued to practice although the Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice.

ULTIMATE FINDINGS OF FACT

Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which could include censure, a letter of reprimand, a fine up to the amount of \$1,000.00 per violation, probation, suspension, or a revocation of license as detailed at Ind. Code § 25-1-9-9.

ORDER

1. The Board hereby places Respondent's nursing license on **INDEFINITE SUSPENSION**. Respondent shall not petition for reinstatement for a **minimum of THREE (3) YEARS from the date of the final order**.

2. Prior to petitioning for reinstatement, Respondent shall enroll in ISNAP and execute a recovery monitoring agreement ("RMA"). Respondent must have **ONE (1) YEAR** of

FULL, COMPLETE, CONTINUOUS COMPLIANCE with her ISNAP RMA prior to petitioning for reinstatement.

3. Respondent shall keep the Board informed of her residential address and telephone number at all times.

4. Respondent shall cause her addictionist or other ISNAP approved practitioner to provide a quarterly INSPECT report to ISNAP for the duration of her RMA.

5. Respondent shall continue her treatment program with her therapist.

6. Respondent shall notify the Board of any relapse within forty-eight (48) hours.

7. Respondent must complete **THIRTY-SIX (36) NURSING EDUCATION HOURS ("CEU's")** with **SIX (6) CEU's in ETHICS and PROFESSIONALISM, SIX (6) CEU's in MEDICATION MANANAGEMENT, SIX (6) CEU's in CHARTING and RECORDS DOCUMENTATION, SIX (6) CEU's in PATIENT ASSESSMENT and TWELVE (12) CEU'S in IMPAIRED NURSING.**

8. Pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Thorpe
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

9. Respondent shall pay costs to the Indiana Professional Licensing Agency in the **amount of \$102.36** and a Two Hundred Fifty Dollar (\$250.00) fine payable within sixty (60) days of this Order to:

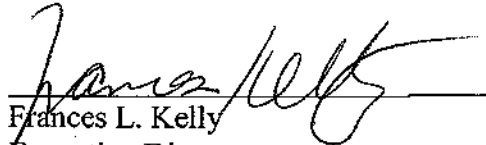
Indiana Professional Licensing Agency
Attn: Nursing, Group 2
402 West Washington Street, Room W072
Indianapolis, IN 46204

10. Respondent's violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing may result in Petitioner requesting a summary suspension of Respondent's license, 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, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED, this 10 day of May, 2012

INDIANA STATE BOARD OF NURSING

By:


Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies:

Virginia S. Olds
2834 Inwood Drive,
Fort Wayne, Indiana 46815
CERTIFIED MAIL # 91 7190 0005 2720 0019 0946
RETURN RECEIPT REQUESTED

Mark E. Mader
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770