

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2012 NB 0110

IN THE MATTER OF THE LICENSE OF:)
)
TRACY PECINA, R.N.,)
)
LICENSE NUMBER: 28130296A)



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Nursing (“Board”) held an administrative hearing on September 18, 2014, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Tracy Pecina’s request to withdraw the probation from her license as a nurse.

Pecina appeared in person and waived her right to be represented by counsel. Timothy Weber of the Attorney General’s Office represented the State of Indiana.

The Board, after considering the evidence presented and taking official notice of the file in this matter votes 6 to1, to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Pecina, whose mailing address is 409 Superior Street, Michigan City, Indiana 46360, is a registered nurse with license number 28130296A.
2. Pecina received timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

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 placed Pecina's license on probation in April 2012 because she had been arrested for public intoxication and resisting arrest in 2011 and had not enrolled in the Indiana State Nurses Assistance Program ("ISNAP").

5. In April 2014 Pecina requested that the probation be withdrawn from her license.

6. At the hearing on withdrawal of probation, Pecina testified that she had complied with the terms of her probation which included completing a recovery monitoring agreement with ISNAP.

7. Testimony revealed however that her recovery monitoring agreement had been extended four times and that Pecina had used alcohol in lieu of morphine. As a consequence the Board modified the terms of her probation in June 2014.

8. In June 2014 Pecina again requested that the probation be withdrawn from her license.

9. At the hearing on withdrawal of probation, Pecina testified that she had complied with the terms of her probation which included being evaluated by ISNAP and having an MMPI-II personality assessment. She was not a candidate for monitoring by ISNAP but the personality assessment showed that she had problems with her short term memory.

10. Pecina suffers from depression and did not present herself well at the hearing. After she recounted the medications she was taking to deal with her psychological issues, the Board expressed serious concern that she might be overmedicated.

11. Pecina's compliance with her probation is a favorable development. But the amount of medication she is taking and her behavior at the hearing is a concern to Board. For that reason the Board will modify the terms on her license.

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. Pecina's demeanor and the amount of medication she is taking for depression is a changed circumstance warranting a modification of the terms of probation on her license.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **MODIFIES** the conditions on Pecina's license as follows.

a) Pecina must consult with her physician and develop a plan for medication and /or counseling to deal with her psychological issues in a manner that will allow her to safely practice nursing. She must adhere to this plan.

b) Pecina shall provide a copy of all Board orders imposing discipline or limiting practice to any nursing employer who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of the Order.

c) While she is employed as a nurse, Pecina will cause her employer to submit written reports to the Board every quarter advising the Board of her professional competence, sense of responsibility, work habits, mental attitude and ability to work with

others. If Pecina is unemployed as a nurse while on probation, she will submit a written personal report to the Board.

d) Pecina may not seek to have the probation withdrawn from her license until after she has actively practiced nursing for at least six months and after she has submitted at least three reports.

All other terms and conditions on her license will remain in full force and effect.

SO ORDERED, this 24th day of September, 2014.

INDIANA STATE BOARD OF NURSING

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

CERTIFICATE OF SERVICE

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

Tracy Pecina
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Michigan City, IN 46360
Service by U.S. Mail

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Service by Email

9.24.14
Date

Lisa Chapman
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Explanation of Service Methods

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