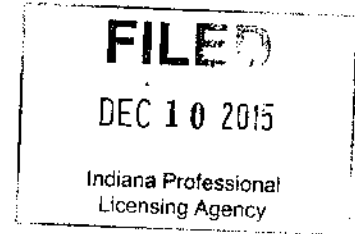


BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2012 NB 0110

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



FINAL ORDER

Natalie Hall, R.N., 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 October 2, 2015, concerning Tracy Pecina 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 December 10, 2015, votes 0 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The probation on Pecina's license is **WITHDRAWN**.

ISSUED this 10th day of December, 2015.

INDIANA STATE BOARD OF NURSING

By: Herbert W. Price  
Natalie, Hall, R.N.  
Board President  
Indiana State Board of Nursing

*for*

**CERTIFICATE OF SERVICE**

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

Tracy Pecina  
409 Superior St  
Michigan City, IN 46360  
**Service by U.S. Mail**

Roberta Hirsch  
Attorney General's Office  
302 West Washington Street  
IGCS – 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
**Service by Email**

Dec 10, 2015

Date



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**

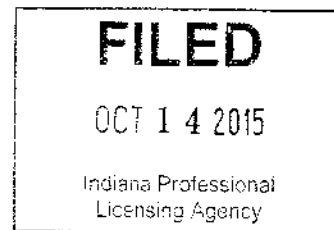
Personal Service: by delivering a true copy of the aforesaid document(s) personally.

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: 2012 NB 0110

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



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

Natalie Hall, R.N., 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 October 2, 2015 in Conference Room 4 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.

Roberta Hirsch 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. 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 presented evidence that she had complied with the terms of her probation which included completing a recovery monitoring agreement ("RMA") with ISNAP.

7. However, testimony also revealed that her RMA had been extended four times and that Pecina had used alcohol in lieu of morphine. As a consequence the Board modified the terms of Pecina's 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 by 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. As a consequence the Board modified the terms of Pecina's probation in September 2014.

11. In August 2015, Pecina again requested that the probation be withdrawn from her license.

12. At the hearing on withdrawal of probation, Pecina presented evidence that she has been submitting favorable employer reports. In addition, she has not used alcohol or controlled substances since 2012 and has had no issues with her practice.

13. The deficiency that led to the probation on Pecina's license involved substance abuse and her fitness to practice unmonitored. Pecina'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. Pecina's compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

**[Balance of Page Intentionally Left Blank]**

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the ALJ recommends the Board **WITHDRAWS** the probation on Pecina's license.

SO ORDERED, this 14<sup>th</sup> day of October, 2015.

ADMINISTRATIVE LAW JUDGE  
INDIANA STATE BOARD OF NURSING

By: Natalie Hall  
Natalie Hall, R.N.  
Board President  
for Indiana State Board of Nursing

**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:

Tracy Pecina  
409 Superior St  
Michigan City, IN 46360  
**Service by U.S. Mail**

Roberta Hirsch  
Attorney General's Office  
302 West Washington Street  
IGCS – 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
**Service by Email**

Oct. 14, 2015  
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**

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Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.