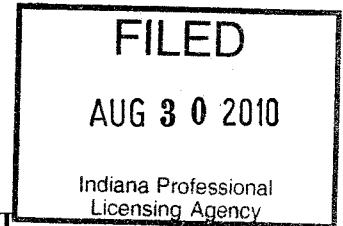


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2009 NB 224

IN THE MATTER OF THE LICENSE OF)
PATRICIA ANN ORTMAN, L.P.N.,)
LICENSE NO: 27031185A)



FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT,
CONCLUSION OF LAW AND ORDER

The Petitioner, the State of Indiana, by Deputy Attorney General Thomas P. McGee, Division of Consumer Protection ("Petitioner"), and the Respondent, Patricia Ann Ortman, L.P.N., ("Respondent"), by counsel, N. Sean Harshey, entered into a Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Board of Nursing ("Board") regarding Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the August 19, 2010, meeting now finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5 in favor, 0 against, and 0 abstaining. The Board hereby issues the following Findings of Fact, Ultimate Findings of Fact, Conclusion of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency is 235 North Meadow Lane, Albany, Indiana 47320 and she is a Licensed Practical Nurse in the State of Indiana having been issued license number 27031185A in 1989.
2. On or around April 24, 2008, Respondent began employment at Parkview Nursing Center ("Parkview") located in Muncie, Indiana.
3. On or around July 28, 2008, Respondent's employment with Parkview was terminated.
4. On or around August 29, 2008, Respondent initiated intake with the Indiana State Nurses Assistance Program ("ISNAP").
5. On or around September 11, 2008, ISNAP received medical records from Interventional Pain Care, LLC documenting Respondent's chronic pain condition.
6. On or around October 1, 2008, Respondent renewed her Indiana nursing license online and answered all questions "no," including question number five 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?"
7. On or around October 31, 2008, ISNAP received Respondent's assessment from Dr. Timothy Kelly, M.D. Dr. Kelly acknowledged Respondent's extensive medical regimen for chronic pain including prescribed medications of morphine, oxycodone, and Valium. Respondent urine drug screen at Dr. Kelly's office was positive for opiates including benzodiazepine and oxycodone. Dr. Kelly reported his impressions as opioid

dependence, benzodiazepine dependence, history of chronic back pain, and depression. Dr. Kelly noted that, "...the combination of benzodiazepine and opiates cause cognitive deficits and impairment in a number of people. I believe this medication regimen would make it difficult to function as a nurse."

8. On or around November 3, 2008, ISNAP contacted Respondent regarding the conditions of a Recovery Monitoring Agreement. Respondent indicated that she did not believe she could come off her medications at this time and recommended ISNAP close her file.

9. On or around November 4, 2008, ISNAP closed Respondent's file indicating that she was choosing not to come into monitoring at that time due to her chronic pain issues and continued use of controlled substances.

CONCLUSIONS OF LAW

1. Respondent is in violation of Ind. Code § 25-1-9-4(a)(1)(A).
2. Respondent is in violation of Ind. Code § 25-1-9-4(a)(4)(C).

ULTIMATE FINDINGS OF FACT

Respondent's violation is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed at Ind. Code § 25-1-9-9.

ORDER

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action.

2. Respondent and Petitioner voluntarily waived their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law.

3. The terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license stemming from the Petitioner's Administrative Complaint.

4. Respondent's Indiana nursing license is hereby placed on **INDEFINITE SUSPENSION**.

5. Prior to petitioning for reinstatement, Respondent must demonstrate **SIX (6) MONTHS** of complete compliance with an ISNAP Recovery Monitoring Agreement.

6. Prior to petitioning for reinstatement, Respondent must undergo a psychological evaluation which must include the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) and provide the results to the Board.

7. Prior to petitioning for reinstatement, Respondent must provide the Board with evidence from all treatment providers supporting her ability to return to practice. This evidence must document any medication she is receiving at the time, the dosage of the medication, and the reason the medication is being prescribed.

8. Prior to petitioning for reinstatement, the Respondent shall pay to the Indiana Professional Licensing Agency a **FINE** in the amount of **TWO HUNDRED AND FIFTY DOLLARS (\$250.00)**.

9. Prior to petitioning for reinstatement, Respondent shall complete twelve (12) hours of Continuing Education with six (6) in the area of medication administration and six (6) in the area of ethics.

10. Prior to petitioning for reinstatement, Respondent shall, pursuant to Ind. Code § 4-6-14-10 (b), 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 Indiana Office of the Attorney General

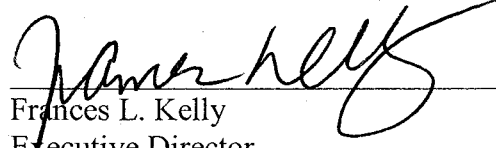
11. Respondent has carefully read and examined this agreement and fully understands its terms and that this Agreement is a final disposition of all matters and not subject to further review.

12. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of nursing, or any violation of the Settlement Agreement may result in the State requesting an emergency 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.

13. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews the Respondent's license at a later date.

So ORDERED, this 30 day of August, 2010.

INDIANA STATE BOARD OF NURSING



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies To:

Patricia Ann Ortman, L.P.N.
235 North Meadow Lane
Albany, IN 47320

SENT CERTIFIED MAIL NO: 91 7190 0005 2720 0002 9512
RETURN RECEIPT REQUESTED

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