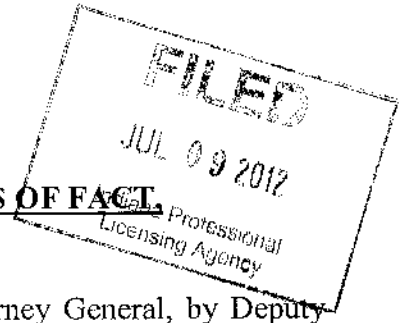


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2012 NB 169

IN THE MATTER OF THE LICENSE OF:)
RALPH DEWAYNE RACE, R.N.,)
LICENSE NO: 28188288A)



FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

The State of Indiana (“Petitioner”), by the Office of the Attorney General, by Deputy Attorney General David A. Fleischhacker, and Ralph DeWayne Race, R.N. (“Respondent”), signed a Proposed Settlement Agreement (“Agreement”) which purports to resolve all issues involved in the action by 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 June 21, 2012, meeting held in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, 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 which is attached hereto and incorporated herein as **Exhibit A** and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 6-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law, and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 9th day of July, 2012.

INDIANA STATE BOARD OF NURSING

By: 
Frances L. Kelly, Executive Director
Indiana Professional Licensing Agency


CERTIFICATE OF SERVICE

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

Ralph DeWayne Race
116 Robinson Drive
Greendale, IN 47025
Via U.S. Mail

Deputy Attorney General David A. Fleischhacker
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana, 46204
Service by Email

7/9/12
Date


First/Last Name of Person Mailing

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: Group2@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.

occasion. A subsequent investigation found no evidence of patient harm from Respondent's actions.

4. On or about December 21, 2009, Respondent applied for his Indiana nursing license. He responded "No" to the question which asks, "Have you ever been terminated, reprimanded, disciplined, or demoted in the scope of your practice as a nurse or as another health care professional?"

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

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

AGREED DISPOSITION

It is now therefore agreed by Respondent and Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license.
5. Respondent's Indiana nursing license is hereby placed on **INDEFINITE PROBATION** for not less than **SIX (6) MONTHS**.
6. Prior to petitioning for withdrawal of probation, Respondent shall do the following:

- a. Undergo a psychological evaluation, including a MMPI-2 assessment with a focus on anger management, at Respondent's own expense, addressing his ability to practice nursing safely, and submit the results of that evaluation to the Board. Respondent shall successfully complete any treatment program that is recommended based on the evaluation.
- b. Successfully complete twenty four (24) hours of Continuing Education in the area of Nursing Professionalism/Ethics.

7. While on probation, Respondent's license shall be governed by the following

TERMS AND CONDITIONS:

- a. Respondent shall cause his nursing employer to submit quarterly reports to the Board addressing Respondent's duties, responsibilities, character, and performance in his professional capacity. Respondent shall submit self-reports if not employed in a nursing capacity addressing his activities and any attempts to return to the nursing field.
- b. Respondent shall keep the Board informed of his residential address and telephone number at all times.
- c. Respondent shall keep the Board informed of his nursing employer(s) name, address, and telephone number at all times.
- d. Respondent shall not violate any statutes or rules regulating the practice of nursing.

8. Respondent shall, within ninety (90) days of the Final Order, pay a FINE in the amount of FIVE HUNDRED DOLLARS (\$500.00) payable to the Indiana Professional Licensing Agency at the following address:

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

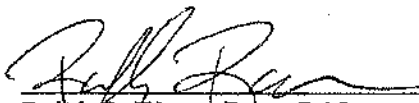
9. Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Katie Thorpe
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

10. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

11. 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 this Settlement Agreement 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.

12. 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 Respondent's license at a later date.


Ralph DeWayne Race, R.N.
Respondent

6/6/12
Date

