

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER 2012 NP 101

FILED
JUL 16 2012
Indiana Professional
Licensing Agency

IN THE MATTER OF THE LICENSE OF:)
KELLY N. QUACKENBUSH, R.N./L.P.N.,)
LICENSE NO: 28152272A/27040731A)

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

The Indiana State Board of Nursing (“Board”) held an administrative hearing on May 17, 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 Kelly N. Quackenbush, R.N./L.P.N. (“Respondent”) on February 15, 2012.

Deputy Attorney General Mark E. Mader represented the State of Indiana (“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 7-0-0, issued the following:

FINDINGS OF FACT

1. Respondent is a licensed Registered Nurse (“R.N.”) and Licensed Practical Nurse (“L.P.N.”) in the State of Indiana having been issued license numbers 28152272A and 27040731A by the Board on November 13, 2001 and September 6, 1995, respectively. Respondent’s address, as listed with the Board, is PO Box 1707, Nashville, Indiana 47448.

2. On August 11, 2011, RN Specialties, Indianapolis, Indiana referred Respondent to the Indiana State Nurses Assistance Program (“ISNAP”). RN Specialties reported Respondent

for diverting Nubain at St. Francis Hospital. The Federal Food and Drug Agency ("FDA") reports that Nubain may precipitate withdrawal in patients dependent on opioid drugs.

3. On August 11, 2011, Respondent initiated intake with ISNAP.

4. On August 30, 2011, James Branam, LMHC assessed Respondent and diagnosed her with Opioid Dependency and a depressive disorder, Not Otherwise Specified ("NOS").

5. On October 4, 2011, Respondent entered into an ISNAP Recovery Monitoring Agreement ("RMA").

6. ISNAP set the length of Respondent's RMA for three (3) years based on her diagnosis of opioid dependency.

7. The first four (4) months of Respondent's ISNAP monitoring reveal the following RMA deficiencies:

- a. two (2) missed UDS's and failure to call in for UDS testing;
- b. one (1) significant non-compliant quarterly compliance report; and
- c. a three (3) month extension of Respondent's RMA due to non-compliance.

8. 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 will not be a threat to the public health and safety if the Board permits them to continue to practice nursing.

9. On February 9, 2012, ISNAP closed Respondent's file and referred her case to the Indiana Professional Licensing Agency ("IPLA") and Petitioner for Respondent's failure to effectively engage in her RMA.

8. James Branam, LHMC, diagnosed Respondent with Opioid Dependency with Depressive Disorder, NOS. Respondent is 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.

9. Petitioner filed an Administrative Complaint against Respondent's nursing license in this matter on or about February 15, 2012.

10. On February 22, 2012, 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 March 22, 2012. 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 March 22, 2012.

11. On March 22, 2012, the Board voted 6-0-0 to issue a Notice of Proposed Default.

12. On April 20, 2012, the Board issued the Notice of Proposed Default Order to Respondent by certified and regular mail 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 state 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).
2. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(B).

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 ONE (1) YEAR from the date of the final order in this matter**.

2. Prior to petitioning for reinstatement, Respondent shall enroll in ISNAP and execute an RMA. Respondent must have **ONE (1) YEAR** of full, complete, and continuous compliance with her ISNAP RMA prior to petitioning for reinstatement.

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

4. Should ISNAP so request, 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, unless released by her therapist.

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

7. Respondent shall pay a **FINE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** payable within six (6) months of her reinstatement to:

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

8. Prior to petitioning for reinstatement, Respondent must complete **THIRTY-SIX (36) NURSING EDUCATION HOURS ("CEU's")** comprised of six (6) CEU's in ethics and professionalism, six (6) CEU's in medication management, six (6) CEU'S in charting and records documentation, six (6) CEU'S in patient assessment, and twelve (12) CEU's in impaired nursing.

9. 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

10. Respondent shall pay costs to the Indiana Professional Licensing Agency in the amount of **One Hundred Two Dollars and Six Cents (\$102.06)** payable within sixty (60) days of this Order to IPLA at the address listed in paragraph 7.

SO ORDERED, this 12th day of July, 2012

INDIANA STATE BOARD OF NURSING

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