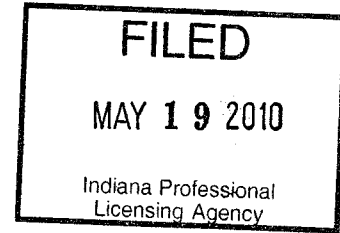


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2008 NB 016

IN THE MATTER OF THE LICENSE OF)
)
TOMMY POFF, L.P.N.)
)
LICENSE NO: 27052117A)



FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board") held an administrative hearing on April 15, 2010, in the Auditorium of the Indiana State Government Center South, 302 West Washington Street, Indianapolis, Indiana, 46204, concerning the Order to Show Cause filed by the Board against Tommy Poff, L.P.N. ("Respondent") on February 24, 2010.

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent did not 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 5-0-0 finds Respondent to be in default. The Board by another vote of 5-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 2115 West Ryman Drive, Terre Haute, IN 47802. Respondent is a Licensed Practical Nurse in the State of Indiana having been issued license number 27052117A in 2003.

2. On August 21, 2008, the Board voted to place Respondent on probation and required him to comply with the terms of his Recovery Monitoring Agreement

("RMA") with the Indiana State Nurses Assistance Program ("ISNAP"), which he entered into voluntarily in June 2008 for alcohol dependence issues.

3. On or around August 28, 2008, Respondent's worksite monitor at Owen Valley Health Campus placed Respondent on a leave of absence pending an investigation into possible diversion. Respondent submitted to a urine drug screen and tested negative. As a result, Owen Valley was unable to substantiate that Respondent diverted.

4. On or around December 18, 2008, Owen Valley Health Campus conducted another investigation into possible diversion, but again Respondent submitted to a urine drug screen and tested negative and as a result Owen Valley was unable to substantiate that Respondent diverted.

5. On or around January 30, 2009, ISNAP's quarterly compliance report indicated that Respondent was in partial compliance.

6. On or around February 23, 2009, Respondent's employment was terminated from Owen Valley Health Campus for "unsatisfactory work performance."

7. On or around February 26, 2009, Glenburn Home informed ISNAP that Respondent was under investigation for missing medications; however, these allegations were not substantiated. Respondent had not informed ISNAP that he was working at Glenburn Home.

8. On or around May 15, 2009, Respondent's RMA was extended three months after he tested positive for tramadol on December 17, 2008. Respondent stated that he was prescribed tramadol after he injured his foot.

9. On or around July 7, 2009, Respondent informed ISNAP that his employment was terminated from Asbury Towers.

10. On or around November 10, 2009, ISNAP's quarterly compliance report indicated that Respondent was in significant non-compliance.

11. On or around December 1, 2009, Respondent's RMA was extended three months due to his non-compliance.

12. On or around February 9, 2010, ISNAP's quarterly compliance report indicated that Respondent was in significant non-compliance.

13. On February 24, 2010, the Board issued an Order to Show Cause based upon Respondent's non-compliance with his RMA. This Order to Show Cause was sent to Respondent, by certified and regular mail, to his address on file with IPLA and informed him of the date and time of the administrative hearing scheduled for March 18, 2010.

14. Pursuant to Ind. Code §4-21.5-3-20, Respondent was provided adequate notice of the final hearing date and failed to appear for the scheduled hearing on March 18, 2010. The Board voted 5-0-0 to issue a Notice of Proposed Default and Summary Suspension Order. This Order was sent to Respondent, by certified and regular mail to his address on file with IPLA on March 30, 2010.

15. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

16. On April 15, 2010, the Board voted, 5-0-0, to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

Respondent's conduct constitutes a violation of Ind. Code §25-1-9-4(a)(10) in that Respondent has failed to comply with an order imposing sanction under section 9 of this chapter.

CONCLUSIONS OF LAW

Respondent's violations are 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 in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana Licenced Practical Nurse license is hereby placed on **INDEFINITE SUSPENSION**.

2. Prior to petitioning for reinstatement:

- a. Respondent must have one (1) year of full and complete compliance with an ISNAP RMA.
- b. Respondent shall pay a fine in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** payable to IPLA.
- c. Respondent shall submit proof of completion to the Board of twenty-four (24) contact hours of continuing education in the following areas: six (6) contact hours in medication administration, six (6) contact hours in professionalism/ethics in nursing, six (6) contact hours in documentation and six (6) contact hours in pharmacology.
- d. Respondent shall contact a Board approved psychologist or psychiatrist and obtain a psychological assessment and follow any treatment recommendations.

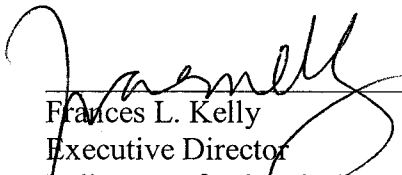
- e. Respondent shall enroll in anger management therapy and follow any treatment recommendations.
- f. Respondent shall pay **COSTS** in the amount of **ONE HUNDRED TWENTY SIX DOLLARS AND SIX CENTS (\$126.06)** payable to IPLA.
- g. Respondent shall pay **COSTS** in the amount of **TWENTY-ONE DOLLARS (\$21.00)** payable to the Office of the Attorney General.

3. Respondent's violation of the Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing 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.

SO ORDERED this 19 day of May, 2010.

INDIANA STATE BOARD OF NURSING

By:



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Tommy Poff

2115 West Ryman Dr.

Terre Haute, IN 47802

SENT CERTIFIED MAIL NO: 91 7190 0005 2720 0000 9965

RETURN RECEIPT REQUESTED.

Deputy Attorney General Darren R. Covington

OFFICE OF THE ATTORNEY GENERAL

302 West Washington Street, 5th Floor

Indianapolis, Indiana 46204-2770