

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2014 NB 055

IN THE MATTER OF THE LICENSE OF:)
NICHOLE LEE RATHBURN, L.P.N.,)
LICENSE NO: 27056177A)
SUMMARY SUSPENSION)

FILED
JUL 16 2014
Indiana Professional
Licensing Agency

PETITION FOR EXTENSION OF SUMMARY SUSPENSION

The State of Indiana ("Petitioner"), by Deputy Attorney General Patricia Gibson moves the Indiana State Board of Nursing ("Board") to suspend the license of Nichole Lee Rathburn L.P.N., ("Respondent"), for an additional ninety (90) days, and in support of its Petition states the following:

1. Respondent is a Licensed Practical Nurse ("LPN") in the State of Indiana having been issued license number 27056177A on September 21, 2005.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 9071 Red School Road, Laurel, Indiana 47024. Another known address is 834 South Boulevard Road, Greensburg, Indiana 47420. Respondent's current address is P.O. Box 235 Batesville, Indiana 47006.
3. This Board has jurisdiction to suspend the Respondent's license in accordance with the provisions of Ind. Code ch. 4-21.5-4 and Ind. Code § 25-1-9-10.
4. On September 27, 2013, Respondent was charged with Possession of Marijuana and Possession of Paraphernalia, both as Class A Misdemeanors in Ripley Superior Court, Cause Number 69D01-1309-CM-000282. The charges alleged that on September 22, 2013, a man called the Batesville police after Respondent knocked at his door at approximately 2:00 A.M, confused, and stating that she could not get home. The probable cause affidavit further alleged that when the police arrived at the scene, they found her sitting in her vehicle.

The probable cause affidavit alleged that a police dog alerted to Respondent's car, indicating there were drugs in the vehicle. The probable cause affidavit alleged that the police officer then found an open pack of rolling papers, a small smoking pipe with burnt plant residue, and marijuana in Respondent's vehicle. Finally, the probable cause affidavit alleged that the Respondent admitted that the pipe and papers were hers, and that she used the pipe approximately twenty (20) hours earlier to smoke marijuana.

5. On February 20, 2014, the Board placed Respondent's nursing license on summary suspension.

6. On April 22, 2014, the Board issued an order requiring Respondent to contact the Indiana State Nurses Assistance Program ("ISNAP") within ten (10) days for evaluation and assessment to determine eligibility for rehabilitation and monitoring. The order was sent to Respondent's address on file with IPLA.

7. On May 7, 2014, the Board's order was returned to IPLA with a forwarding address.

8. On May 9, 2014, the Board's order requiring Respondent to contact ISNAP was sent to Respondent's forwarding address.

9. On May 15, 2014, the Board extended the summary suspension status of Respondent's nursing license for an additional ninety (90) days.

10. On June 3, 2014, Respondent pleaded guilty and was convicted of Possession of Paraphernalia as a Class A Misdemeanor, in Ripley Superior Court, Cause Number 69D01-1309-CM-000282. Respondent was placed on probation for three hundred thirty-three (333) days and ordered to attend substance abuse counseling as recommended by the terms of her probation.

11. On July 9, 2014, an Administrative Complaint was filed against Respondent.

12. As of July 16, 2014, Respondent has not entered into monitoring with ISNAP.

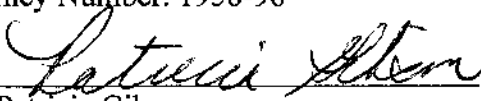
13. The present summary suspension expires on August 14, 2014. The Board meeting is scheduled for August 21, 2014.

Due to the above facts, Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice as a Licensed Practical Nurse in the State of Indiana.

WHEREFORE, Petitioner requests that this Board set a hearing on this petition for extension of summary suspension and suspend the Respondent's license for an additional period of ninety (90) days and for all other proper relief.

Respectfully submitted,

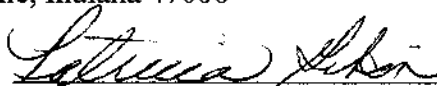
GREGORY F. ZOELLER
Attorney General of Indiana
Attorney Number: 1958-98

By: 
Patricia Gibson
Deputy Attorney General
Attorney Number: 12011-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Petition for Extension of Summary Suspension" has been duly served upon Respondent listed below, by United States mail, first-class, postage prepaid, email, and by telephone on this 16th day of July, 2014.

Nichole Lee Rathburn, LPN
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