

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO.: 94 NB 075

STATE OF INDIANA,

Petitioner,

v.

WALDEMAR A. POTARZYCKI, R.N.,
License No.: 28123499,

Respondent.

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FILED
FEB 22 1996
HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board") held an administrative hearing on February 15, 1996, in Room A of the Conference Center, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Waldemar A. Potarzycki's ("Respondent") Motion to Reinstate.

The State of Indiana was represented by Andrew S. Peacock, Deputy Attorney General. Respondent appeared in person, acknowledged his right to be represented by counsel, and elected to proceed without the assistance of an attorney.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 7-0-1, issues the following Findings of Fact and Order.

EXHIBIT

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FINDINGS OF FACT

1. Respondent, who resides at 6510 Covington Road, Fort Wayne, Indiana, is a duly licensed registered nurse in the State of Indiana holding license number 28123499.
2. On June 1, 1995, the Board suspended Respondent's Indiana nursing license after finding that he had engaged in fraud or material deception in the course of professional services or activities in violation of IC 25-1-9-4(a)(1)(B); had continued to practice although unfit due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that impair his ability to practice safely in violation of IC 25-1-9-4(a)(4)(D); and, had diverted a legend drug in violation of IC 25-1-9-4(a)(8).
3. The Board's Order of June 1, 1995, precluded Respondent from seeking reinstatement of his license for a period of six months.
4. On January 10, 1996, Respondent submitted his Motion to Reinstate.
5. Respondent received timely and proper notice of the hearing date and location in accordance with IC 4-21.5-3-20.
6. The Board has jurisdiction to hear and decide this case.
7. The Board, pursuant to IC 25-1-9-11, may reinstate a suspended license if, after a hearing, it finds that the practitioner is able to practice with reasonable skill and safety to the public.
8. Respondent last used a controlled substance on November 10, 1994.
9. Respondent has completed a monitoring contract with the Indiana State Nurses Association Peer Review and Assistance Committee ("Peer Review"). Respondent has been

subject to random urine drug screens through Peer Review and the results of all of these screens are negative for all substances tested.

10. Respondent testified at the hearing on February 15, 1995, that his use of controlled substances was precipitated by a bout with depression. He is currently being treated with Nortriptyline and counseling for this condition.

11. Respondent has completed treatment for his substance abuse and continues regular participation in recovery activities.

12. The Board finds that Respondent is able to practice nursing with reasonable skill and safety to the public provided that he complies with specific terms and conditions of probation.

ORDER

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

1. Respondent's Indiana license to practice nursing is **REINSTATED** and placed on **INDEFINITE PROBATION**. Respondent shall not have the right to petition the Board for withdrawal of probation until three years from the date of this Order.

2. During the period that Respondent's license remains on probation, his practice of nursing shall be governed under the following terms and conditions:

a. Respondent shall keep the Board continuously advised of his residential address and telephone number and shall immediately notify the Board of any change of address or telephone number.

b. Respondent shall keep the Board informed of the name, address and telephone number of his employer and shall notify the Board within 72 hours of any change in the status or location of his employment.

- c. Respondent shall provide any employer with a copy of this Order and shall have his employer verify its receipt to the Board by signing the Order and sending the signed copy to the Board.
- d. Respondent shall have his supervisor submit quarterly reports to the Board concerning Respondent's nursing performance, his attendance and verifying his lack of access to controlled substances.
- e. Respondent shall attend at least three NA/AA or nurses support group meetings per week.
- f. Respondent shall submit verification of his attendance at the required AA/NA and nurses support group meetings to the Board on a quarterly basis.
- g. Respondent shall not handle, administer, possess or have access to controlled substances. Respondent may not petition the Board for modification or withdrawal of this term until he completes one year of nursing practice. The frequency of Respondent's random urine drug screens will be increased to monthly should this term of probation be lifted.
- h. Respondent shall continue to participate in therapy with his current treating psychiatrist, Dr. Rathbun, until Dr. Rathbun informs the Board, in writing, that his therapy is no longer necessary.
- i. Respondent shall have Dr. Rathbun submit a report to the Board quarterly concerning Respondent's attendance and progress in therapy.

j. Respondent shall submit to quarterly random observed urine drug screens. All such screens shall be performed at Respondent's expense.

Respondent shall provide the Board with a physician's order for the random urine drug screens within ten days of his receipt of this Order.

Respondent shall cause the results of all drug screens to be submitted directly to the Board.

k. Respondent shall not use any mood altering chemical, including alcohol, unless it is prescribed by a duly licensed physician or dentist for a medical reason.

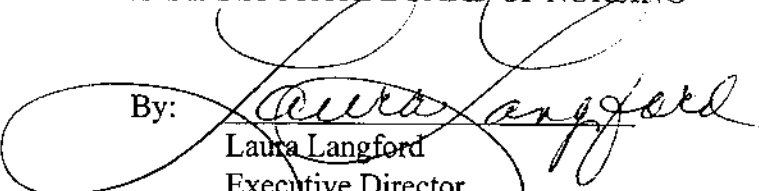
l. Respondent shall provide the Board with a copy of all prescriptions he receives from his physicians within seven days of its receipt.

m. Respondent shall report any relapse into his use of alcohol or into the unauthorized use of controlled substances within seventy-two hours of same to the Health Professions Bureau.

SO ORDERED this 22 day of February, 1996.

INDIANA STATE BOARD OF NURSING

By:


Laura Langford
Executive Director
Health Professions Bureau

copies to:

Waldemar A Potarzycki, R.N.
6510 Covington Road
Fort Wayne, IN 46804

SENT CERTIFIED MAIL NO. P 262 721 694
RETURN RECEIPT REQUESTED.

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