

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2011 NB 408

IN THE MATTER OF THE LICENSE OF:     )  
ELIZABETH A. ROACH, R.N.,             )  
LICENSE NO: 28119654A                 )

**FILED**  
JAN 19 2012  
Indiana Professional  
Service Board

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

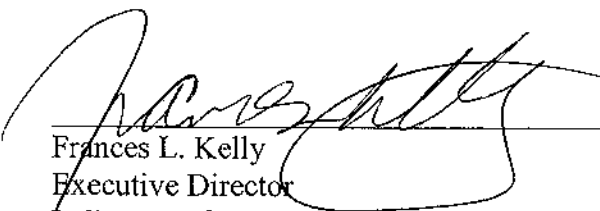
The State of Indiana ("Petitioner"), Office of the Attorney General, by Mark E. Mader, Deputy Attorney General, and Elizabeth A. Roach, R.N. ("Respondent") signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Board of Nursing ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the December 15, 2011 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 7-0-1. 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 19 day of January, 2012.

INDIANA STATE BOARD OF NURSING

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

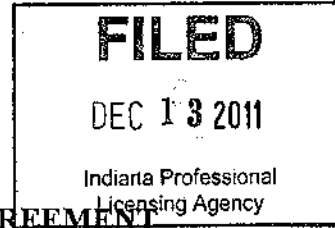
Distribution:

Elizabeth A. Roach  
7654 Chimney Pier Road  
Vincennes, Indiana 47591-7383  
**CERTIFIED MAIL NO: 91 7190 0005 2720 0015 4122**  
**RETURN RECEIPT REQUESTED**

Mark E. Mader  
Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, Indiana, 46204

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2011 NB 408

IN THE MATTER OF THE LICENSE OF )  
 )  
ELIZABETH A. ROACH, R.N. )  
LICENSE NO: 28119654A (Active) )



**PROPOSED SETTLEMENT AGREEMENT**

The State of Indiana ("Petitioner"), by Mark E. Mader, Deputy Attorney General, and Elizabeth A. Roach, R.N. ("Respondent"), hereby execute this Proposed Settlement Agreement ("Agreement") to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana State Board of Nursing ("Board") pursuant to Ind. Code § 25-1-9 *et seq.* and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.*

**STIPULATED FACTS**

1. Respondent's address on file with the Indiana State Board of Nursing ("Board") is 7654 Chimney Pier Road, Vincennes, Indiana 47591-7383. Respondent is a licensed Registered Nurse ("R.N.") in the State of Indiana having been issued license number 28119654A on March 19, 1993.
2. On January 26, 2011, Petitioner referred Respondent to the Indiana State Nurses Assistance Program ("ISNAP") for her suspected diversion.
3. On January 26, 2011, Respondent initiated intake with ISNAP.
4. On February 21, 2011, Jane Melvin, L.C.S.W., C.A.D.A.C., assessed Respondent and diagnosed her with opioid dependence.
5. On May 3, 2011, Respondent returned her ISNAP Recovery Monitoring Agreement ("RMA").
6. ISNAP set the length of Respondent's RMA for three (3) years.

Exhibit  
A

7. On March 11, 2011, ISNAP reviewed Respondent's assessment and recommended a three (3) year RMA. Respondent was currently prescribed Suboxone and she was informed that she would need to work with her physician to taper off Suboxone. Respondent stated that she had been tapering off the Suboxone for the past two (2) years and should be discontinued by May 2011. Respondent questioned the length of her RMA and ISNAP advised her to have her physician submit a letter confirming that she had not been abusing Suboxone or any other controlled substance.

8. On April 27, 2011, ISNAP received a letter from Respondent's physician who had been treating Respondent since February 2009. He wrote, in part, "She has been treated with Suboxone, titrating her dose at routine intervals. She frequently requests early fills due to a variety of reasons. She has strongly been encouraged to seek therapy to cope with life stress issues and to recognize her trigger events. She has declined. Urine Drug Screens (UDS) also indicate that she is not taking the medications as prescribed due to the lack of appropriate level of Suboxone in her system ... I have not observed any signs of impairment in my clinical setting. However, I also believe that she remains at great risk for substance abuse."

9. On May 17, 2011, Respondent informed ISNAP she had started treatment with a physician for her chronic pain management.

10. On May 23, 2011, ISNAP mailed an addendum to Respondent extending the time to August 17, 2011, for her to discontinue Suboxone. Respondent never returned the addendum.

11. On July 13, 2011, Respondent left ISNAP a message which stated that she would like to withdraw from monitoring. ISNAP requested that Respondent have her physician write a letter of correction to the original complaint, as she felt the complaint was in error.

12. On August 29, 2011, ISNAP received a letter from Respondent's physician indicating that Respondent had verbalized to him that she had discontinued Suboxone and was to initiate counseling through an addictionist at Compass Point Counseling Center.

13. On August 30, 2011, ISNAP reviewed Respondent's physician's letter and her INSPECT report. Respondent's INSPECT report indicated that Respondent had continued to receive prescriptions for Suboxone. ISNAP recommended case closure.

14. On September 20, 2011, ISNAP terminated Respondent's case for Respondent's continued use of Suboxone and her request to discontinue monitoring and referred her case closure to the Indiana Professional Licensing Agency ("IPLA") and Petitioner.

15. 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 are not a threat to the public health and safety if the Board permits them to continue to practice nursing.

16. Respondent was diagnosed with opioid dependence. 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.

17. On November 4, 2011, Petitioner filed a licensing complaint in this matter. On November 21, 2011, the Indiana Professional Licensing Agency ("IPLA") sent notice to Respondent by certified mail, return receipt requested, notifying her that this matter was set for a Prehearing/Settlement Conference on December 1, 2011.

18. On December 1, 2011, Respondent appeared in person and waived her right to counsel. The parties met with the Board's designated Administrative Law Judge ("ALJ"), Linda Narwold, who conducted the parties' settlement conference. At the conclusion of the parties' prehearing/settlement conference, the parties were able to reach a settlement agreement resolving

all issues in this matter. The ALJ then continued the matter to a future date in order that the parties' agreement might be reduced to writing, signed by the parties, and presented to the Board for approval.

### **STIPULATED CONCLUSIONS OF LAW**

The parties further stipulate:

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's diagnosis of impairment and her failure to successfully complete her ISNAP RMA which resulted in her case closure on September 21, 2011.

2. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although she has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondent's failure to comply with ISNAP program requirements that resulted in the termination of Respondent's participation in ISNAP in violation of 848 IAC 7-1-7.

### **ULTIMATE CONCLUSION OF LAW**

Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1,000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

## 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 that the terms of this Proposed Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license.
5. **IT IS AGREED THAT** Respondent's nursing license shall be placed on **INDEFINITE SUSPENSION**. Respondent may not **Petition for Reinstatement** for **SIX (6) MONTHS**.
6. Respondent shall **RE-ENROLL IN ISNAP** and execute a **RECOVERY MONITORING AGREEMENT (RMA)**. Respondent shall maintain **FULL, COMPLETE, and CONTINUOUS COMPLIANCE** with each and every term of her **ISNAP RMA**. The terms of Respondent's RMA shall be incorporated into the Board's Order and made a part thereof by reference as if fully set out therein.
7. Prior to petitioning for reinstatement of her nursing license, Respondent shall be in full compliance with her ISNAP RMA and shall provide written proof of same to the Board and counsel at the following addresses:

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

Mark E. Mader, Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South, 5<sup>th</sup> Floor  
402 West Washington Street  
Indianapolis, Indiana 46204


9. Respondent shall cause her addictionist or other ISNAP approved practitioner, to provide a quarterly INSPECT report to ISNAP for the duration of her RMA.

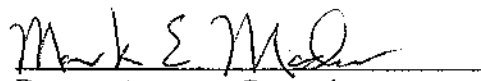
10. Prior to petitioning for reinstatement, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General  
ATTN: Katherine Thorpe  
302 W. Washington St., 5<sup>th</sup> Floor  
Indianapolis, IN 46204

9. Respondent also acknowledges that failure to comply with such order as may be entered herein by the Board may result in the State requesting additional sanctions against Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution; an Order to Show Cause as may be issued by the Board; or a new cause of action being filed pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's certificate.

10. The parties agree to the continuing jurisdiction of the Board.

  
Elizabeth A. Roach

  
Deputy Attorney General

STATE OF INDIANA )  
COUNTY OF Vanderburgh ) SS:

Before me, a Notary Public for said County and State, personally appeared Elizabeth A. Roach, first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 8 day of December, 2011.

Melinda C. Mlynski

My Commission Expires: 8-4-2010

Melinda C. Mlynski  
Signature Printed

County of Residence: Vanderburgh