

FINDINGS OF FACT

1. Respondent, whose current address is Rural Route 1, Box 78, Monon, Indiana 47959, is a licensed practical nurse holding license number 27011897A.

2. On September 23, 1994, the Board suspended Respondent's Indiana nursing license based upon the affidavit of Connie Hitchcock, R.N., Director of Nursing at Americana Healthcare Center, Indianapolis, Indiana which indicates that on July 27, 1994, Respondent diverted 29 Darvocet N-100 tablets (propoxyphene napsylate, a schedule IV controlled substance) from the facility.

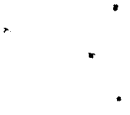
3. As part of its Emergency Suspension Order, the Board further ordered that Respondent submit to an addictionology examination to be performed by a certified addictionologist.

4. Respondent received timely and proper notice of the hearing date and location in accordance with IC 4-21.5-3-20.

5. The Administrative Law Judge has jurisdiction to hear this case and to determine, pursuant to IC 4-21.5-4-4, whether the emergency suspension order should be voided, terminated, modified, stayed or continued.

6. Respondent admitted during her testimony at the November 28, 1994, hearing that she diverted Darvocet from her employer for her own use.

7. Respondent did, however, have a valid prescription for Darvocet which she had received from her physician.



8. Respondent worked at Monticello Healthcare in August and September of 1994. Respondent did not inform Monticello Healthcare that her license had been suspended. Rather, Respondent has taken a medical leave of absence from Monticello Healthcare.

9. Respondent stated that she last used Darvocet after she received a certified letter from the Health Professions Bureau.

10. Respondent testified at the November 28, 1994, hearing that she doesn't feel her judgment is impaired.

11. Respondent currently takes Zantac, Xanax, Nolvadex, Lodine, and Darvocet.

12. The ALJ considered a report from D. Kete Cockrell, M.D., a certified addictionologist. Dr. Cockrell diagnosed Respondent with Situational/Major Depression and Drug Abuse secondary to the depression. He states, in pertinent part,

"[a]ffect was definitely flat, exhibited recent and distant memory impairment.

Significant difficulty in understanding questions and formulating answers. She had significant cognitive impairment, in my opinion, due to depression."

13. The ALJ finds, based upon Respondent's testimony and demeanor, that she remains a clear and immediate danger to public health and safety if allowed to return to the practice of nursing.

ORDER

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

The emergency suspension of Respondent's Indiana nursing license shall **CONTINUE** in full force and effect for a period of ninety (90) days.



SO ORDERED this 19 day of January, 1995.

INDIANA STATE BOARD OF NURSING

By: Brenda L. Smith, R.N.
Brenda Smith, R.N.
Administrative Law Judge

copies to:

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RETURN RECEIPT REQUESTED.

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