

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
PATRICIA M. RZESZEWSKI, R.N.,)
License Number: 27031498A,)
)
Respondent.)

SEP 29 2004
HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing (“Board”), held an administrative hearing on January 15, 2004, concerning a disciplinary complaint which was filed against Patricia M. Rzeszewski, R.N. (“Respondent”) on December 12, 2003.

The State of Indiana was represented by Deputy Attorney General Sara R. Matticks. The Respondent appeared in person and waived her right to counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 9-0-0, issues the following Findings of Fact and Order:

FACTS

1. The Respondent’s address is 55075 Sundown Drive, South Bend, Indiana 46628 and she is a practical nurse in the State of Indiana having been issued license number 27031498A.

2. Respondent signed a recovery monitoring agreement with the Indiana State Nurses Assistance Program (ISNAP) in November 2001, after she tested positive for cocaine as the result of an employment related drug screen.

3. Respondent was intermittently non-compliant with ISNAP in that she failed to maintain required documentation, missed appointments, had relapses and failed to communicate with ISNAP.

4. Respondent tested positive for cocaine on or about July 10, 2003.

5. In September 2003, ISNAP closed Respondent's file and terminated her contract, due to Respondent's relapse and lack of communication with ISNAP.

6. The State filed a petition for summary suspension due to Respondent's non-compliance with ISNAP and a hearing was held November 20, 2003.

7. On November 20, 2003, Respondent initiated contact with ISNAP and agreed to reinstate the monitoring agreement and abide by ISNAP's terms and recommendations. A representative from ISNAP testified that Respondent's non-compliance was due to circumstances beyond her control and that ISNAP would assist Respondent in maintaining her contract. As a result, the Board found the Respondent did not present a clear and immediate danger to the public and the State's petition was denied.

8. Respondent made no contact with ISNAP subsequent to the November hearing date and did not sign a recovery monitoring agreement.

9. Respondent did contact a substance abuse program of her choice in late December and attended two "sessions," including one on January 12, 2004.

10. Respondent admits to having a substance abuse problem and has been practicing nursing without formal treatment or monitoring since September 2003.

ULTIMATE FINDINGS OF FACT

Respondent's conduct constitutes a violation of I.C. 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs which endangers the public by impairing her ability to practice safely.

ORDER

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

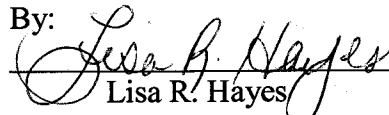
1. Respondent's Indiana Registered Nurse license is **SUSPENDED** for a period of **forty-five (45)** days.
2. As a condition precedent to **REINSTATEMENT** Respondent shall sign a recovery monitoring agreement with ISNAP. Respondent is responsible for making sure that ISNAP notifies the Board that she has signed a recovery monitoring agreement.
3. Respondent's license shall thereafter be placed on **INDEFINITE PROBATION.**
4. Respondent may not petition the Board for an unrestricted, non-probationary license until she successfully completes the ISNAP program.
5. During the probationary period Respondent shall be subject to the following **TERMS and CONDITIONS:**
 - a) Respondent shall keep the Board informed of her residential address and phone number;

- b) Respondent shall sign a recovery monitoring agreement with ISNAP and shall be **compliant with all terms and conditions of that ISNAP agreement.**
- c) Petitioner shall comply with all statutes and rules regulating the practice of nursing.
- d) The failure of Petitioner to comply with the terms of this decision shall subject her to a show cause hearing and the imposition of further sanctions.

SO ORDERED, this 29th day of January, 2004.

INDIANA STATE BOARD OF NURSING

By:



Lisa R. Hayes
Executive Director
Health Professions Bureau

Copies to:

Patricia M. Rzeszewski, R.N.
55075 Sundown Dr.
South Bend, IN 46628
CERTIFIED MAIL #7002 3150 0000 1732 1275
RETURN RECEIPT REQUESTED

Deputy Attorney General Sara R. Matticks
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770

Indiana State Nurses Assistance Program
PRMC