

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 1998 NB 0072

STATE OF INDIANA,)
)
Petitioner,)
v.)
)
GABRIELLE LINN SCHMIDT, L.P.N.,)
LICENSE NUMBER: 27037788A,)
)
)
Respondent.)



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

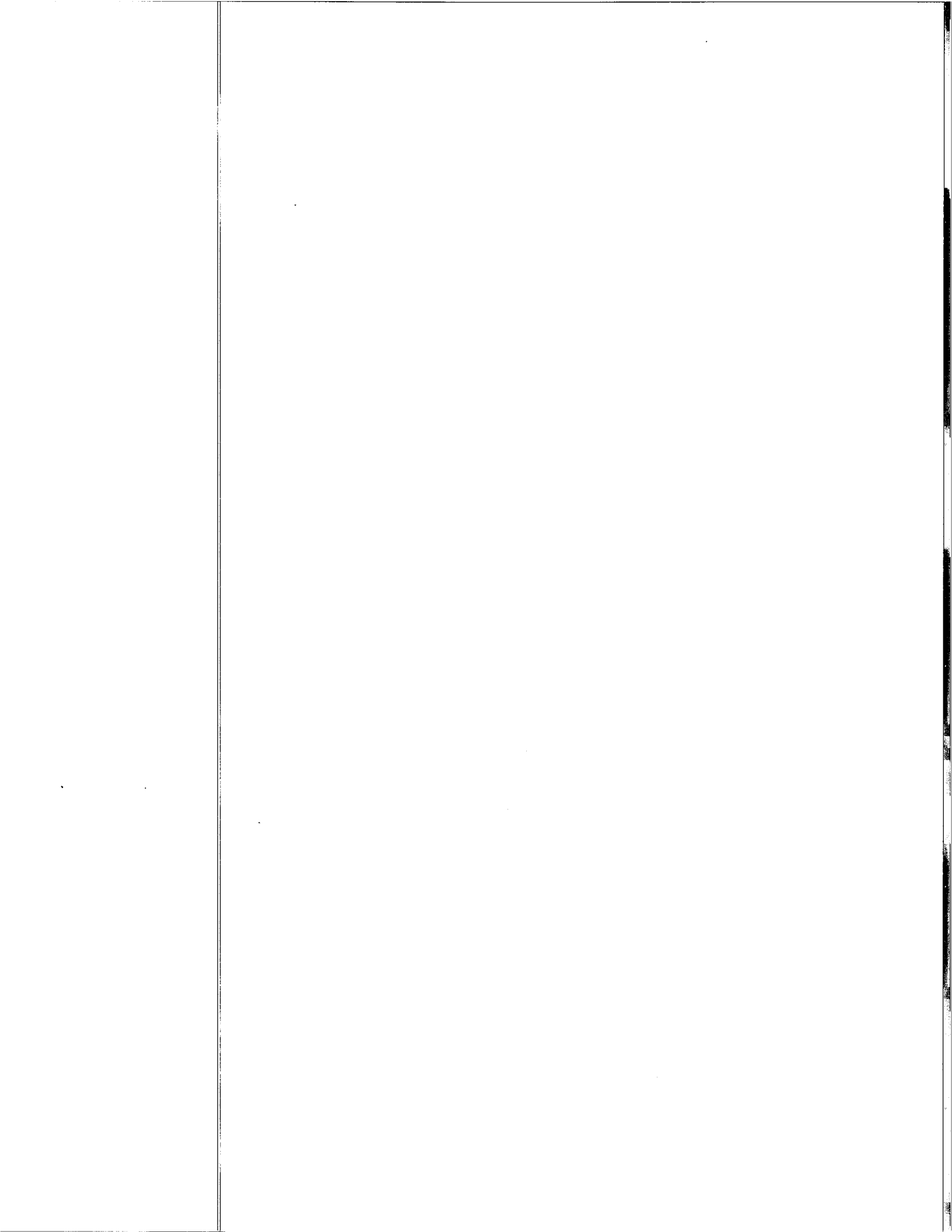
The Indiana State Board of Nursing ("Board") held an administrative hearing on March 19, 2009, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Gabrielle Schmidt's ("Respondent") request to withdraw the probation from her license as a practical nurse.

Respondent appeared in person and waived her right to be represented by counsel. Morgan Wills, Deputy Attorney General, represented the state of Indiana.

The Board, after considering the evidence presented and taking official notice of the file in this matter, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, whose mailing address is 8520 Medicine Bow Run, Fort Wayne, Indiana 46825, is a practical nurse with license number 27037788A.
2. Respondent received timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code § 4-21.5-3.



4. The Board placed Respondent's license on probation in November 2000 due to patient care issues. Various requirements were imposed as conditions of her probation.

5. Respondent asked that the probation on her license be withdrawn in February 2009.

6. At the hearing on withdrawal of probation, Respondent testified that she has completely complied with the terms of her probation. She has worked at Miller's Merry Manor for the past four months and submitted the necessary employer reports.

7. The deficiency that led to the probation on Respondent's license involved patient care issues. Respondent's compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." IC § 25-1-9-9(b).

2. Respondent's compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board grants the Respondent's request for withdrawal and therefore **WITHDRAWS** the probation on Respondent's license.

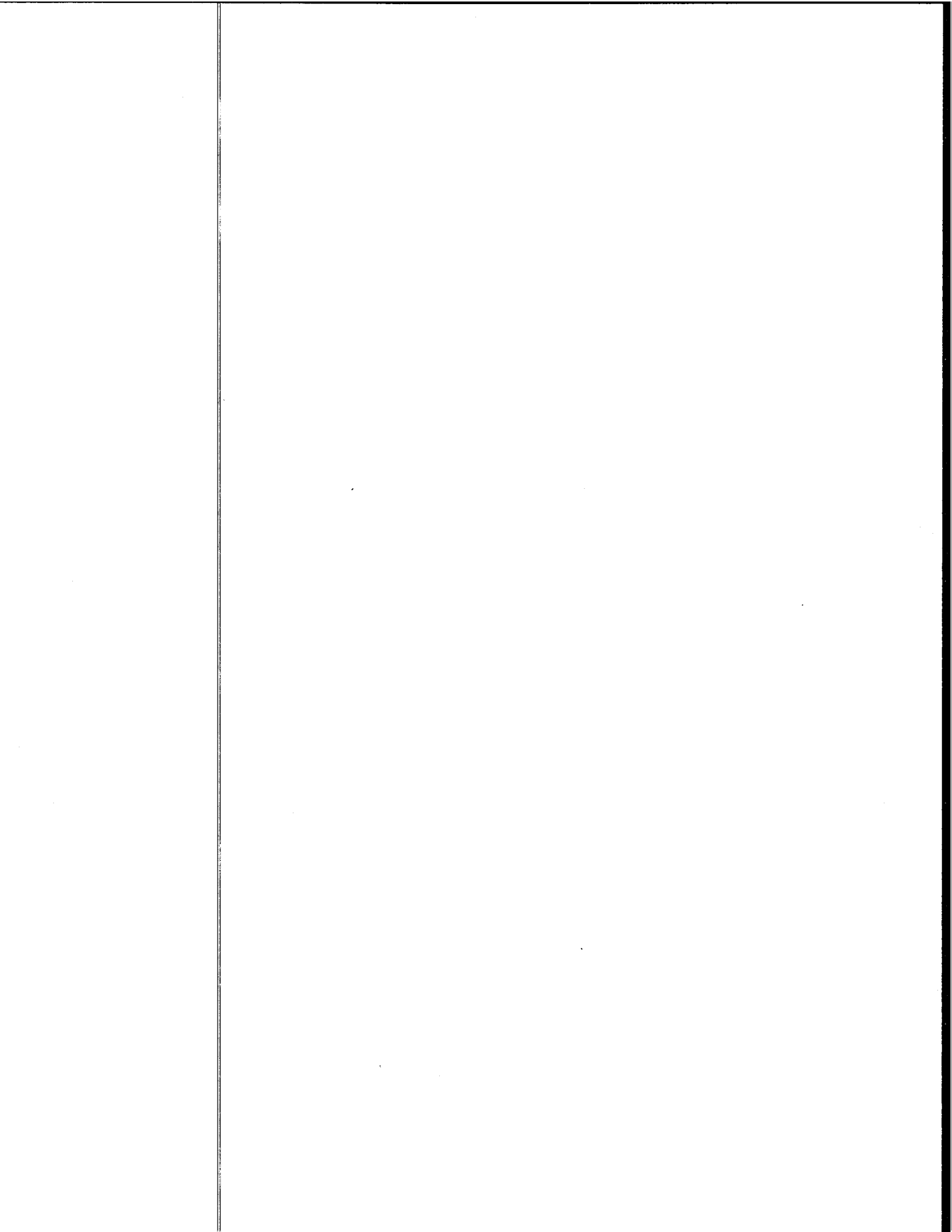
SO ORDERED, this 17 day of April, 2009.

INDIANA STATE BOARD OF NURSING

By: 

Frances L. Kelly
Executive Director

Indiana Professional Licensing Agency



Copies to:

Gabrielle Linn Schmidt
8520 Medicine Bow Run,
Fort Wayne, IN 46825
SENT CERTIFIED MAIL NO. 7008 1830 0001 4328 0216
RETURN RECEIPT REQUESTED.

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