

**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2004 NB 0053**

IN THE MATTER OF THE LICENSE OF:)
)
SHARON SCHMIDT, R.N.)
)
LICENSE NUMBER: 28130964A)



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Nursing (“Board”) held an administrative hearing on August 21, 2014, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Sharon Schmidt’s (“Schmidt”) request to withdraw the probation from her license as a nurse.

Schmidt appeared in person and waived her right to be represented by counsel. Samuel Dayton of the Attorney General’s Office represented the State of Indiana.

The Board, after considering the evidence presented and taking official notice of the file in this matter votes 8 to 0, to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Schmidt, whose mailing address is 3514 Fellows Street, South Bend, Indiana 46614, is a registered nurse with license number 28130964A.
2. Schmidt received timely and proper notice of the date, time and location of this hearing pursuant to Ind. 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 ch. 4-21.5-3.

4. The Board placed Schmidt's license on probation in January 2005 because she had a history of making inappropriate remarks to patients. The Board modified the terms of her probation in 2008 and extended it because she was on probation at her place of employment.

5. In May 2014 Schmidt requested that the probation be withdrawn from her license.

6. At the hearing on withdrawal of probation, Schmidt testified that she had complied with the terms of her probation which included submitting favorable employer reports.

7. The deficiency that led to the probation on Schmidt's license involved making inappropriate remarks to patients. Schmidt'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." Ind. Code § 25-1-9-9(b).

2. Schmidt'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
WITHDRAWS the probation on Schmidt's license.

SO ORDERED, this 8th day of September, 2014.

INDIANA STATE BOARD OF NURSING

By: Herbert W Rhoad

Nicholas W. Rhoad

Executive Director

for Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Sharon Schmidt
3514 Fellows Street
South Bend, IN 46614
Service by U.S. Mail

Samuel Dayton
Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by Email

9.8.14
Date



Lisa Chapman

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