

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2000 NB 0034

STATE OF INDIANA,

Petitioner,

v.

PAUL D. SEYMOUR, R.N.,
License Number: 28134537A,



Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Nursing ("Board") held an administrative hearing on April 19, 2007, in the Auditorium of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Paul D. Seymour's ("Respondent") request to reinstate his suspended license as a registered nurse.

Respondent appeared in person and waived his right to be represented by counsel. Laura Wilford, 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 221 East 9th Street, Apartment 208, Indianapolis, Indiana 46204, is a registered nurse with license number 28134537A.

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 Indiana Code 25-1-9-9 and Indiana Code 4-21.5-3.

4. The Board voted to suspend Respondent's license in June 2001 because he diverted narcotics from his employer and was addicted to cocaine. He had also been convicted in federal court of product tampering. He tampered with medications to obtain narcotics.

5. The Respondent was released from federal prison 18 months ago and will be on criminal probation until October 2008. He submitted a request for reinstatement of his license in February 2007.

6. At the hearing on reinstatement, the Respondent testified that he obtained a full addictionology report from Dr. Richard Hinchman in February 2007. In addition, he signed a recovery monitoring agreement with the Indiana State Nurses Assistance Program in January 2006. He relapsed in July 2006 when he used cocaine once but otherwise he has complied with that program. The agreement will continue until July 2009 and the Respondent maintains that he has now embraced the program.

7. Respondent has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." IND. CODE § 25-1-9-11.

2. Because the Respondent has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation, he qualifies for reinstatement of his license on probation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. The Respondent's petition for reinstatement is GRANTED. The Respondent's license as a registered nurse will be reinstated on **INDEFINITE PROBATION**. Respondent may petition to have the probationary order withdrawn after successful completion of his recovery monitoring agreement with the Indiana State Nurses Assistance Program ("ISNAP") and after the successful completion of his federal criminal probation.

2. The Respondent's practice of nursing shall be governed by the following TERMS AND CONDITIONS:

a) Respondent shall keep the Board informed of his residential address and telephone number at all times.

b) Respondent shall keep the Board informed of his nursing employer's or employers' name, address, and telephone number at all times.

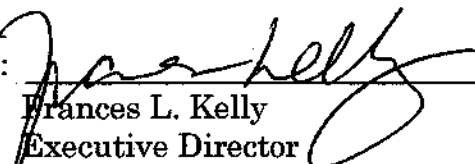
c) Respondent shall maintain his recovery monitoring agreement with ISNAP and comply with the terms of that agreement. He shall also comply with the terms of his federal criminal probation.

d) Respondent shall comply with all statutes and rules regulating the practice of nursing.

3. The failure of Respondent to comply with the terms of this order shall subject him to a show cause hearing and the imposition of further sanctions.

ISSUED, this 10 day of May 2007.

INDIANA STATE BOARD OF NURSING

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

Copies to:

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RETURN RECEIPT REQUESTED

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