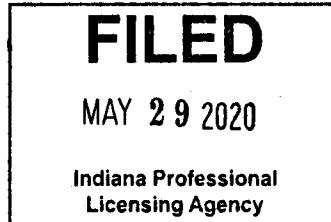


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER 2019 NB 0146

IN THE MATTER OF THE LICENSE OF:)
)
DOUGLAS CRAIG SMITH, R.N.,)
)
LICENSE NO: 28153054A)



FINAL ORDER

Dianne Murphy, R.N. designated by the Indiana State Board of Nursing (“Board”) pursuant to Ind. Code § 4-21.5-3-9 to act as administrative law judges (“ALJ”), held a final hearing on February 20, 2020, concerning the Administrative Complaint filed against the Indiana nursing license of Douglas Craig Smith, R.N. (“Respondent”) on May 9, 2019.

A copy of the Recommended Findings of Fact, Ultimate Findings of Fact, Conclusion of Law and Order is attached hereto as **Exhibit A** and made a part hereof.

Pursuant to Ind. Code § 4-21.5-3-29(c) the Board, at its meeting on May 21, 2020, votes 9 to 0 to affirm said Recommended Findings of Fact, Ultimate Findings of Fact, Conclusion of Law and Order and adopt it as a final order in this proceeding.

ISSUED this 29th day of May, 2020

INDIANA STATE BOARD OF NURSING

By: Maureen Bennett
for Kim Cooper, R.N.
Board President
Indiana State Board of Nursing

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order" has been duly served upon:

Douglas Smith
362 South G Street
Lakeview, OR 97630
Service by U.S. Mail

Ryan P. Eldridge
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Ryan.Eldridge@atg.in.gov
Service by Email

5.29.2020
Date

Lisa Chapman

Lisa Chapman, Litigation Coordinator

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2043
Fax: 317-233-4236
Email: pla2@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2019 NB 0146**

**IN THE MATTER OF THE LICENSE OF:)
)
DOUGLAS CRAIG SMITH, R.N.,)
)
LICENSE NO: 28153054A)**



**RECOMMENDED FINDINGS OF FACT, ULTIMATE FINDING OF FACT,
CONCLUSION OF LAW, AND ORDER**

Dianne Murphy, R.N. designated by the Indiana State Board of Nursing (“Board”) pursuant to Ind. Code § 4-21.5-3-9 to act as administrative law judges (“ALJ”), held an administrative hearing on February 20, 2020, in Conference Room 6 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning an Administrative Complaint filed against the Indiana nursing license of Douglas Craig Smith, R.N. (“Respondent”) on May 9, 2019.

The State of Indiana (“Petitioner”) was represented by counsel, Deputy Attorney General Ryan P. Eldridge. Respondent failed to appear in person or by counsel.

The ALJ, after taking official notice of the file in the matter and pursuant to Ind. Code § 4-21.5-3-24, finds Respondent to be in DEFAULT. The ALJ issues the following Recommended Findings of Fact, Ultimate Findings of Fact, Conclusion of Law, and Order.

RECOMMENDED FINDINGS OF FACT

1. Respondent is a registered nurse (“R.N.”) in the State of Indiana having been issued license number 28153054A by endorsement on March 11, 2002.
2. Respondent’s address on file with the Indiana Professional Licensing Agency

("IPLA") is 362 South G Street, Lakeview, OR 97630.

3. Respondent is a licensed registered nurse in Indiana, Arizona, Colorado, Washington D.C., Louisiana, Maine, Missouri, New Hampshire, New Mexico, Oregon, Vermont, Virginia, and Washington. Currently, all of these licenses are expired except Indiana and Missouri.

4. Respondent is not a licensed registered nurse in Arkansas.

5. On or about December 14, 2017, the Arkansas State Board of Nursing issued a Cease and Desist Order to Respondent. A letter was sent to Respondent that stated:

a. "It has been brought to our attention that you have been employed at Arkansas Children's Hospital since the later part of October 2017 without a valid Arkansas nursing license."

b. "You have apparently been practicing erroneously under another person's Arkansas nursing license."

6. A.C.A. § 17-87-101(b)(1) states, "It is unlawful for any person not licensed by the Arkansas Board of Nursing: (1) to practice or offer to practice professional nursing".

7. A.C.A. § 17-87-101(b)(1) is similar to Indiana Code § 25-23-1-27(3), which states "A person who: (3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so ... commits a Class B misdemeanor."

RECOMMENDED ULTIMATE FINDING OF FACT

8. By his conduct in being disciplined in Arkansas based upon A.C.A. § 17-87-101(b)(1), a rule that is similar to Indiana law or rules, Respondent has had disciplinary action taken against him in another jurisdiction, on grounds similar to those in Indiana, and is therefore subject to discipline pursuant to Ind. Code § 25-1-9-4(a)(7).

RECOMMENDED CONCLUSION OF LAW

9. Respondent's violations of Ind. Code § 25-1-9-4 is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, revocation, and/or a fine up to the amount of one thousand dollars (\$1000.00) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Recommended Findings of Fact, Ultimate Findings of Fact, and Conclusion of Law, the ALJ issues the following Order:

1. Respondent's Indiana nursing license receives a **Letter of Reprimand**, attached as **EXHIBIT A**.
2. Respondent shall, within 180 days of the issuance of the final order in this matter, pay a **FINE** in the amount of **TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** payable to the Indiana Professional Licensing Agency at the following address:

Indiana Professional Licensing Agency
Attn: Indiana State Board of Nursing
402 West Washington Street, Room W072
Indianapolis, Indiana 46204

3. Respondent shall, within 180 days of the issuance of the final order in this matter, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE** of **FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Executive Assistant, Consumer Protection
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

4. Any violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of nursing may result in Petitioner requesting a summary

suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED, this 16th day of April, 2020.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: *Maureen Bennett*
for Dianne Murphy, R.N.,
Administrative Law Judge
Indiana State Board of Nursing

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE OF SERVICE

I certify that a copy of the “Recommended Findings of Fact, Ultimate Finding of Fact, Conclusion of Law, and Order” has been duly served upon:

Douglas Smith
362 South G Street
Lakeview, OR 97630
Service by U.S. Mail

Ryan P. Eldridge
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Ryan.Eldridge@atg.in.gov
Service by Email

4/16/2020
Date

Lisa Chapman
Lisa Chapman, Litigation Coordinator

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2043
Fax: 317-233-4236
Email: pla2@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual’s electronic mail address.

Professional Licensing Agency
402 West Washington Street
Room W072
Indianapolis, Indiana 46204



Eric J. Holcomb
Governor of Indiana
Deborah J. Frye
IPLA Executive Director

Douglas Smith
362 South G Street
Lakeview, OR 97630

Re: *In the Matter of the License of Douglas Craig Smith, R.N.*
Cause Number 2019 NB 0146

Dear Mr. Smith:

This letter of reprimand is issued in accordance with the Final Order issued by the Indiana State Board of Nursing resolving the administrative complaint against your nursing license filed by the Office of the Attorney General on May 9, 2019.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possession of a license to practice nursing in the State of Indiana. Further, there is an expectation that you will follow all rules, statutes, and regulations, related to safe nursing care and fraudulent actions.

The Recommended and Final Orders are attached and incorporated herein as part of this reprimand.

It is your responsibility to conduct your practice of nursing in accordance with the standards of the profession.

Sincerely,

INDIANA STATE BOARD OF NURSING

By: *Maureen Bennett*

for Kim Cooper, R.N.
Board President
Indiana State Board of Nursing