

**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO.: 2022 NB 0021**

**IN THE MATTER OF THE LICENSE OF)
TAHIRA SMITH, L.P.N.)
LICENSE NO: 27066903A (ACTIVE))**

FILED

FEB 17 2022

Indiana Professional
Licensing Agency

ADMINISTRATIVE COMPLAINT

The State of Indiana (“Petitioner”), by counsel, Deputy Attorney General Carah J. Rochester, on behalf of the Office of the Indiana Attorney General, and pursuant to Ind. Code § 25-1-7-7, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5, and Ind. Code § 25-1-9, files its Complaint against the Indiana nursing license of Tahira Smith, L.P.N. (“Respondent”), and in support alleges and states the following:

FACTS

1. Respondent is a Licensed Practical Nurse (“L.P.N.”) in the State of Indiana, having been issued license number 27066903A by examination on May 9, 2011.
2. Respondent’s address on file with the Indiana Professional Licensing Agency (“IPLA”) is 3201 Broadway Street, Indianapolis, Indiana 46205.
3. Respondent is a “practitioner” as that term is defined by Ind. Code Sec. 25-1-9-2.
4. On December 8, 2016, Respondent was charged with: (1) Criminal Trespass, a Class A Misdemeanor; (2) Resisting Law Enforcement, a Class A Misdemeanor; and (3) Disorderly Conduct—Unreasonable Noise, a Class B Misdemeanor, in Marion County Court cause number 49G08-1612-CM-047106.
5. On April 21, 2017, Respondent pleaded guilty to Criminal Trespass, a Class A Misdemeanor, and was sentenced to confinement for one (1) year, suspended, under the condition of a Stay Away Order. Respondent was ordered to stay away from the Julia Carson Transit Center for 363 days.

6. On April 21, 2017, Respondent was also ordered to pay \$183.00 in court fees. As of February 17, 2022, Respondent has not paid those fees.

7. On October 26, 2018, Respondent was charged with Driving While Suspended, a Class A Misdemeanor, in Carmel City Court cause number 29H01-1810-CM-001256.

8. On November 28, 2018, Respondent pleaded guilty to the charge and was sentenced to a 365-day driver's license suspension, beginning on November 28, 2018, plus court costs and fines.

9. On September 19, 2018, and October 22, 2020, Respondent renewed her license, and answered "no" to question number three on the renewal applications which asks, "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court have you been arrested, entered into a diversion agreement, been convicted of, plead guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or US territory?"

10. Respondent's answers in the negative at the time of the submission of her renewal applications in 2018 and 2020 were false and material statements in that Respondent was required to answer each of the renewal questions honestly and under oath.

11. Respondent had knowledge that Respondent's answers were false at the time in which Respondent answered 'no' on her 2018 and 2020 renewal applications to question number three, because Respondent pleaded guilty to, and was convicted of, criminal misdemeanors in 2017 and 2018.

12. Respondent's intent was to deceive this Board and/or IPLA.

13. This Board and/or IPLA rely upon true and accurate representations on the renewal application in determining whether to grant renewal of licensure.

14. Respondent's fraud or material deception during her 2018 and 2020 renewal applications operates to the detriment of this Board and/or IPLA in the processing and subsequent approval/denial of Respondent's renewal applications, depriving the Board and/or IPLA of their right to assess Respondent's worthiness of license renewal.

VIOLATIONS

COUNT I: CONVICTION OF A CRIME HARMFUL TO THE PUBLIC

1. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(2)(B) in that Respondent has been convicted of a crime that is harmful to the public as evidenced by Respondent's conviction of Criminal Trespass, a Class A Misdemeanor, in Marion County Court cause number 49G08-1612-CM-047106.

COUNT II: CONVICTION OF A CRIME HARMFUL TO THE PUBLIC

2. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(2)(B) in that Respondent has been convicted of a crime that is harmful to the public as evidenced by Respondent's conviction to Driving While Suspended, a Class A Misdemeanor, in Carmel City Court cause number 29H01-1810-CM-001256.

COUNT III: RENEWAL FRAUD

3. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice as evidenced by Respondent's failure to disclose her 2017 criminal conviction on her 2018 Indiana nursing license renewal.

COUNT IV: RENEWAL FRAUD

4. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice as evidenced by Respondent's failure to disclose her 2018 criminal conviction on her 2020 Indiana nursing license renewal.

ACCORDINGLY, the Petitioner requests this Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code § 25-1-9;
2. Imposes the appropriate disciplinary sanction(s);
3. Directs Respondent to immediately pay all the costs incurred in the prosecution of this case; and
4. Provides any other relief the Board deems just and proper.

Respectfully submitted,
Office of the Indiana Attorney General

By: Carah Rochester
Carah J. Rochester
Deputy Attorney General
Atty. No. 36266-41

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 17th day of February 2022.

Tahira Smith
3201 Broadway Street,
Indianapolis, Indiana 46205

Respectfully submitted,

Carah Rochester

Carah J. Rochester
Deputy Attorney General
Atty. No. 36266-41

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