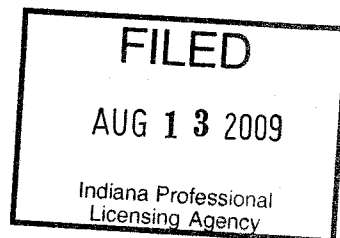


**BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2006 NB 0159**

STATE OF INDIANA)
)
Petitioner,)
)
v.)
)
ROSHIELLIA A. SMITH, L.P.N.)
LICENSE NUMBER 27051707A)
)
Respondent.)



FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Indiana State Board of Nursing (“Board”) held an administrative hearing on June 18, 2009, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Roshiellia Smith’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 Burton, 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’s, mailing address is 206 East 7th Street, Brookston, Indiana 47923, is a practical nurse with license number 27051707A.
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 placed Respondent's license on probation in March 2007 because she had diverted narcotics from her employer for her own use.

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 Respondent asked that the probation on her license be withdrawn in June 2009.

6. At the hearing on withdrawal of probation, Respondent testified that she has substantively complied with the terms of her Indiana probation. She has successfully completed her recovery monitoring agreement with the Indiana State Nurses Assistance Program.

7. The deficiency that led to the probation on Respondent's license involved diversion of narcotics and drug abuse. 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." Indiana Code § 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 **WITHDRAWS** the probation on Respondent's license.

ORDERED this 13 day of August, 2009.

INDIANA STATE BOARD OF NURSING

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

Copies to:

Roshiellia A. Smith, L.P.N.
206 East 7th Street
Brookston, Indiana 47923

CERTIFIED MAIL NUMBER: 7008 1830 0001 4328 6959
RETURN RECEIPT REQUESTED

Morgan Wills Burton, Deputy Attorney General
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Indianapolis, Indiana 46204