

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2003 NB 0059

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
AMY REBECCA SIMPSON, L.P.N.)
License Number: 27037684A)
)
Respondent.)

FILED

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HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board"), held an administrative hearing on October 16, 2003 in the Auditorium of the Conference Center, Indiana Government Center South 302 West Washington Street, Indianapolis, Indiana, concerning a disciplinary complaint filed against Amy Rebecca Simpson, L.P.N. ("Respondent").

The State of Indiana was represented by Deputy Attorney General Shelley M. Johnson. The Respondent failed to appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0-0 finds the Respondent to be in default. The Board by another vote of 5-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of Indiana having been issued license number 27037684A.
2. Respondent's address listed with the Health Professions Bureau is 9391 S. County Road 450 West, Madison, Indiana 47250.
3. A Complaint was filed by the State of Indiana against the Respondent in this

matter on or about June 9, 2003.

4. On July 3, 2003, the Health Professions Bureau sent a notice to Respondent at her last reported address, informing Respondent of the date, time and place of the final hearing on the State's Complaint scheduled for August 21, 2003. The notice was returned unclaimed. It was sent again via regular mail on August 4, 2003.

5. Pursuant to Indiana Code § 4-21.5-3-20, Respondent was provided adequate notice of the final hearing date and failed to appear for the scheduled hearing on August 21, 2003.

6. On September 15, 2003, the Board issued a Notice of Proposed Default Order. That Notice was mailed by certified mail to the Respondent at her last known address. Said notice was signed for by Darryl Simpson on September 17, 2003.

7. Respondent failed to respond to the Board's Notice of Proposed Default Order within seven (7) days as required by Indiana Code § 4-21.5-3-24.

8. On or about February 13, 1995, Respondent began her employment with the State of Indiana as a Licensed Practical Nurse at the Muscatuck State Developmental Center ("Muscatatuck") in Butlerville, Indiana.

3. A Nursing Staff Meeting was held on August 16, 2001 and August 17, 2001 in which the minutes indicate that LPNs were reminded that, "LPN licenses expire 10/00. Be sure to give copy of your renewed pocketcard to Judy Carroll and she'll forward to Human Resources."

10. Respondent's practical nurse license expired on October 31, 2000.

11. On November 6, 2000, a written Communication Memo was sent to Respondent

indicating that Respondent's LPN license had expired on October 31, 2000 and requested that copy of Respondent's renewed license be submitted immediately.

12. Nursing Secretary, Judy Carroll, contacted Respondent via phone on or about March 20, 2001 and Respondent informed her that the renewed license would be provided on March 21, 2001. When no license was provided on March 21, 2001, Respondent informed Ms. Carroll that Respondent would produce the license on March 23, 2001.

13. Respondent neither appeared for work on March 23, 2001 nor did Respondent submit a copy of her renewed license.

14. Ms. Carroll placed a written Communication into Respondent's inter-departmental nursing mailbox indicating that the Human Resources Department would be contacted on March 26, 2001 if Respondent failed to provide a copy of Respondent's renewed license.

15. Muscatatuck contacted the Health Professions Bureau on March 26, 2001 to inquire about the status of Respondent's license and was informed that Respondent's license had expired on October 31, 2000 due to Respondent's failure to renew her license.

16. On March 26, 2001, Muscatatuck requested and was granted an emergency suspension of Respondent's employment from the State Personnel Department pending Muscatatuck's investigation regarding Respondent practicing without a license.

17. Respondent was informed via mail on March 26, 2001, that she was placed on emergency suspension.

18. Respondent received written notice on March 27, 2001 that a pre-deprivation meeting had been scheduled for Friday, March 30, 2001 at 8:00 A.M. On March 28, 2001,

Muscatatuck notified Respondent that this meeting had been re-scheduled for Monday, April 2, 2001 at 11:00 A.M. to ensure that ample notification was provided to Respondent.

19. Michael LeSaux, Director of Employee Relations at Muscatatuck State Developmental Center, saw Respondent on April 2, 2001 just minutes before the pre-deprivation meeting. She was in the Payroll Office completing resignation forms.

20. Michael LeSaux stated that when Respondent informed him that she did not plan to attend the pre-deprivation hearing, he encouraged her to appear so that she would have the opportunity to provide her side of the story. Respondent then told Mr. LeSaux that she "just might [attend]" and that she did possess a license and would send it to the nursing office.

21. Respondent failed to appear at the April 2, 2001 pre-deprivation hearing.

22. On April 2, 2001, Respondent resigned her position at Muscatatuck State Developmental Center.

23. Respondent's last working day at Muscatatuck State Developmental Center was March 24, 2001.

24. Respondent's nursing license was expired from October 31, 2000 to April 4, 2001.

25. Respondent failed to self-report on her 2000 nursing license renewal application that she was suspended from Muscatatuck State Developmental Center.

26. Respondent also backdated her 2000 license renewal application date as being August 28, 2000 when, in fact, Respondent did not renew her license until April 5, 2001.

27. The above violations warrants the imposition of disciplinary sanctions against the Respondent's Indiana nursing license.

1. Respondent's conduct constitutes violations of Indiana Code § 25-23-1-27(3) in that the Respondent continued to practice as a practical nurse although Respondent was not duly licensed to do so under this chapter.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana Nursing license is placed upon **INDEFINITE SUSPENSION**. Respondent may not seek reinstatement of her Indiana Nursing license for a period of one (1) year from the date of execution of this order.

2. **IT IS FURTHER ORDERED**, that Respondent shall immediately surrender all indicia of licensure, including her pocket license and wall license, to the Board in care of the Health Professions Bureau, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204.

SO ORDERED, this 18th day of November, 2003.

INDIANA STATE BOARD OF NURSING

By: Lisa R. Hayes
Lisa R. Hayes
Executive Director
Health Professions Bureau

Copies to:

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