

2. This notice is being provided to counsel for the State of Indiana, Kathryn Shively, Paralegal, Office of the Attorney General, 302 West Washington Street, 5th Floor, Indianapolis, Indiana 46204, telephone number (317) 233-6956.

3. Any party may be advised or represented by counsel at the party's own expense. The Board is empowered to hold this hearing pursuant to Ind. Code ch. 25-1-9 and Ind. Code art. 4-21.5. The Board will be presiding as administrative law judge.

4. Carri Burke, Compliance Director, may be contacted to obtain information regarding hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, or may be contacted by telephone at (317) 234-2043 or by e-mail at pla2@pla.in.gov.

5. A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of this proceeding may be held in default or have the proceeding dismissed under Ind. Code § 4-21.5-3-24.

ORDERED this 26th day of June, 2014.

INDIANA STATE BOARD OF NURSING

By: 

Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: ~~FILED~~

IN THE MATTER OF THE LICENSE OF)
MARCIA ANN STANLEY, R.N.)
LICENSE NO: 28084260A)

FILED
MAR 05 2012
Indiana Professional
Licensing Agency

**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Jason J. Gross, Deputy Attorney General, and Marcia Ann Stanley, R.N. ("Respondent"), signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Board of Nursing ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the February 16, 2012 meeting held in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as **Exhibit A** and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.


WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

SO ORDERED, this 05 day of ~~February~~, 2012.

March

INDIANA STATE BOARD OF NURSING

By:



Frances L. Kelly, Executive Director
Indiana Professional Licensing Agency

Distribution:

Marcia Ann Stanley, R.N.
521 W. County Road 200 North
Center Point, Indiana 47840

CERTIFIED MAIL NO: 91 7190 0005 2720 0016 9652
RETURN RECEIPT REQUESTED

Jason J. Gross
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana, 46204

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2011 NB 485



IN THE MATTER OF THE LICENSE OF)
MARCIA ANN STANLEY, R.N.)
LICENSE NO: 27066073 (Active))

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana, by Jason J. Gross, Deputy Attorney General ("Petitioner") and Marcia Ann Stanley, R.N. ("Respondent") hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana State Board of Nursing ("Board") pursuant to Ind. Code ch. 25-1-9 and the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3.

STIPULATED FACTS

1. The Respondent's address on file with the Indiana Professional Licensing Agency is 521 West County Road 200 North, Center Point, Indiana 47840. Respondent is a Registered Nurse ("R.N.") in the State of Indiana holding license number 28084260 (Active), since October 6, 1982. Respondent's license status is Valid to Practice While Reviewed.

2. On or about August 28, 2006, Respondent was hired at Saint Vincent Hospital and Healthcare Center ("Saint Vincent") in Indianapolis, Indiana as a R.N.

3. On or about February 10, 2011, a routine pain reassessment audit was conducted on Respondent's charts. Further comparison of Respondent's patient and Pyxis records at Saint Vincent led to the discovery of multiple instances of unaccounted for narcotics. The investigative documentation stated:

- a. A sample of ten (10) patient and Pyxis records from the last six (6) months indicate that Respondent had pulled narcotics from the Pyxis machine that

Exhibit A

were not ordered or given to any intended patient, and were not returned to the Pyxis machine, therefore being unaccounted narcotics.

- b. Excess quantities of narcotics were pulled that were not wasted, even though they were over the ordered dose.
- c. Narcotics were pulled from the Pyxis machine under patient's names after they had been discharged from the facility.

4. The unaccounted for narcotics included:

Date	Ordered	Documented as Given	Removed from Pyxis	Wasted
12/30/10	Lortab 6 ml	Lortab 6 ml	Mcg	None
12/15/10	Morphine 2 mg	Morphine 2 mg	Morphine 8 mg	None
12/07/10	Morphine 2 mg	Morphine 2 mg	Morphine 10 mg	None
11/23/10	None	None	Hydromorphone 2 mg	None
11/26/10	None	None	Fentanyl 100 mcg	None
11/26/10	Morphine 3.5 mg	Morphine 3.5 mg	Morphine 24 mg	None
11/26/10	Ketamine 35 mg	Ketamine 35 mg	Ketamine 200 mg	None
09/16/10	Versed 3.5 mg x 2	Versed 3.5 mg x 2	Versed 4 mg	Morphine .5mg
09/16/10	Morphine 2 mg	None	None	None
09/16/10	Q30min prn	Morphine 4 mg	Morphine 16 mg	None
09/16/10	Ketamine 19 mg	Ketamine 19 mg	Ketamine 200 mg	None
09/16/10	Versed 1.9 mg	Versed 1.9 mg	15 ml, Fentanyl 200 mg	None

5. On or about February 13, 2011, Respondent was terminated from Saint Vincent for violating the Personal Conduct Policy for the improper removal and documentation of narcotics over the course of six (6) months.

6. On or about May 27, 2011, Respondent admitted to petitioner that she would order narcotics for patients in anticipation of physician orders, in order to expedite care. Respondent also stated that when medications were ordered every fifteen (15) minutes that she would not always remember to document each dose.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent's conduct as described above constitutes a violation of:
 - a. Ind. Code § 25-1-9-4(a)(8)(A)
 - b. Ind. Code § 25-1-9-4(a)(4)(B)

AGREED DISPOSITION

It is now therefore agreed by Respondent and the Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license.
5. Respondent shall meet the following terms:

A. Respondent's license shall be placed on INDEFINITE PROBATION, with right to petition for withdrawal until Respondent provided the Board with proof of the following:

- a. One (1) year of active nursing practice
- b. Quarterly performance reports to the Board from Respondent's employer
- c. Completion of sixty (60) hours of continuing education in the following areas:

- Twenty four (24) in documentation
- Twelve (12) in legal/ethics
- Twelve (12) in assessment
- Twelve (12) in medication administration

B. Respondent shall, 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:

Indiana Office of the Attorney General
 Attn: Katherine Thorpe
 302 West Washington Street, 5th Floor
 Indianapolis, IN 46204

C. Respondent shall abide by all the statutes and rules regulating the profession of nursing.

6. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

7. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of nursing, or any violation of the Settlement Agreement may result in the State requesting an emergency 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.

8. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews Respondent's license at a later date.

Marcia Ann Stanley R.N.
 Marcia Ann Stanley, R.N.
 Respondent

1/17/12
 Date

Jason J. Gross
 Jason J. Gross
 Deputy Attorney General

1/12/12
 Date

notary Karen L Brown
 Karen L Brown
 my comm expires 12-28-2018



**Indiana
Professional
Licensing
Agency**

Indiana State Board of Nursing
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Phone: (317) 234-2043
Website: PLA.IN.gov

Michael R. Pence, Governor

Nicholas Rhoad, Executive Director

Marcia Stanley
521 West 200 North
Centreport, IN 47840

February 14, 2014

Dear Ms. Stanley:

After careful review of your probation file, it has come to our attention that you are non-compliant with your board order dated March 5, 2012. Specifically, you have failed to provide or complete the following:

- Quarterly performance reports from your nursing employer;

You have 30 days from the date of this letter to forward the required material(s). If the documents are not received within 30 days, an Order to Show Cause will be issued.

If you have any questions, please contact us by calling (317) 234-8290 or via e-mail at drehme@pla.in.gov.

Sincerely,

Lisa Rehme
Compliance Officer
Indiana State Board of Nursing

Exhibit
B

CERTIFICATE OF SERVICE

I certify that a copy of the "Order to Show Cause" has been duly served upon:

Marcia Ann Stanley
521 West 200 North
Centerpoint, Indiana 47840
Service by US Mail.

Marcia Ann Stanley
821 Drover Street
Huntington, Indiana 46750
Service by US Mail.

Marcia Ann Stanley
10778 Belmont Circle
Indianapolis, Indiana 46280
Service by US Mail.

Kathryn Shively
Office of the Attorney General
IGCS, 5th Floor
302 West Washington Street
Indianapolis, Indiana 46204
Service by E-mail.

6/26/14

Date

Rachelle A. Smith

Rachelle A Smith, Litigation Specialist

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2043
Fax: 317-233-426
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.