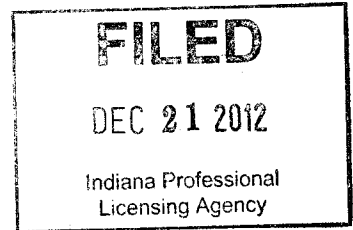


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2012 NB 253

IN THE MATTER OF THE LICENSE OF)
DENISE RENEE HECHT, R.N.)
LICENSE NO: 28162601A)



FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board"), held an administrative hearing on December 13, 2012, in the Auditorium of the Conference Center, Indiana Government Center South 302 West Washington Street, Indianapolis, Indiana, concerning the disciplinary complaint filed against the Indiana nursing license of Denise Renee Hecht, R.N. ("Respondent") on May 22, 2012.

The State of Indiana ("Petitioner") was represented by Deputy Attorney General Laura E. Wilford. 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 6-0-0, found Respondent to be in default. The Board then held further proceedings in Respondent's absence, and, by a vote of 6-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. Respondent is a Registered Nurse in the State of Indiana having been issued license number 28162601A on January 7, 2005.
2. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 508 Maple Avenue, Apt. 13, Greencastle, Indiana 46135.
3. On or around October 13, 2009, Respondent began employment as a nurse at Royal Oaks Health Care and Rehabilitation Center ("Royal Oaks") located in Terre Haute, Indiana.

4. On or around December 26, 2009, Respondent worked the 10pm-6am shift at Royal Oaks. During the shift, Resident A became extremely restless. Respondent then placed Resident A in a wheelchair and wheeled her to the nurses' station. Once there, Respondent restrained Resident A with a bed sheet. Almost immediately, the nurse supervisor came onto the unit and observed the bed sheet and removed it. The nurse then counseled Respondent that a bed sheet may never be used as a restraint and that prior to restraining a resident, certain processes must be followed. Respondent stated that she used the bed sheet because she could not find a lap buddy.

5. Resident A had a December 17, 2009 physician order for a lap buddy; however, this order was discontinued by the physician on December 21, 2009.

6. Royal Oaks administration was immediately notified of the incident involving the bed sheet and Resident A. Royal Oaks suspended Respondent pending investigation into abuse.

7. On or around December 31, 2009, Royal Oaks terminated Respondent's employment due to Respondent restraining a resident "without assessment, physician's order, family consent, using a device not acceptable for restraint use." During Royal Oaks's investigation, two CNAs were also suspended and terminated after they admitted that they observed Respondent restrain Resident A with a bed sheet previously on December 22, 2009, but failed to report it.

8. On or around February 2, 2010, Respondent began employment as a nurse at Asbury Towers Retirement Community ("Asbury") located in Greencastle, Indiana.

9. On or around April 5, 2010, Respondent received an Employee Counseling Record from Asbury for failure to adhere to facility procedure. Respondent locked the treatment keys in the treatment room and notified another nurse but not staff administration. Respondent

then clocked out and left. As a result, the narcotic count was not completed at shift change but had to be done at a later time.

10. On or around May 11, 2010, Respondent was promoted by Asbury to Director of Nursing.

11. During the August 13, 2010 managers meeting at Asbury, staff discussed items Respondent had currently not finished as Director of Nursing including physician orders and two 450B orders. There was also an issue regarding a physician order from August 5, 2010 for a resident regarding a waffle mattress and specialized wheelchair that as of August 10, 2010 had not been put in place. Staff felt uncomfortable with Respondent's lack of follow up with the order and how the Respondent treated the resident's son when he inquired after the missing mattress and wheelchair. Multiple staff members were threatening to quit due to Respondent's failure to complete evaluations and raises in a timely manner. Further, Respondent's communication problems were causing strain with the facility's relationship with an area doctor.

12. On or around August 27, 2010, Respondent's employment with Asbury was terminated for incompetence. Under the category titled "Job Knowledge" the box for "Unsatisfactory" was checked.

13. On or around August 30, 2010, Respondent completed an application for employment at Lane House located in Crawfordsville, Indiana. Under her reason for leaving Royal Oaks, Respondent stated, "unhappy with work environment."

14. On or around September 14, 2010, Respondent began employment as a nurse at Lane House.

15. On or around January 10, 2011, Respondent completed an application for employment at Hickory Creek at Sunset ("Hickory Creek") located in Greencastle, Indiana.

Under her reason for leaving Asbury Towers, Respondent stated, "not enough experience in management." Under her reason for leaving Royal Oaks, Respondent stated, "Difference of opinions."

16. On or around January 24, 2011, Respondent began employment as a nurse at Hickory Creek.

17. On or around August 16, 2011, Respondent received an oral warning from Hickory Creek for failure to attend a mandatory meeting/in-service.

18. On or around May 3, 2011, Lane House considered Respondent's employment resigned after she failed to show or call-in for her scheduled shift on April 19, 2011. Lane House staff left a message for Respondent on her cell phone but she never returned the call.

19. On or around August 22, 2011, Respondent began employment as a nurse at Exceptional Living Center of Brazil ("Exceptional Living") located in Brazil, Indiana.

20. On or around October 28, 2011, Respondent renewed her Indiana nursing license and answered all questions, "No," including question number five which asks, "Since you last renewed, have you ever been terminated, reprimanded, disciplined, or demoted in the scope of your practice as a Nurse or as another health care professional?"

21. On or around February 14, 2012, Respondent received an Oral Warning from Exceptional Living for Excessive Absences.

22. On or around February 24, 2012, Respondent received an Oral Warning from Exceptional Living for not completing documentation as assigned, specifically daily Medicare and MDS assessments.

23. On or around April 16, 2012, Respondent's employment with Exceptional Living was terminated for attendance issues.

24. On May 22, 2012, an Administrative Complaint was filed in this matter against Respondent's Indiana nursing license.

25. On September 12, 2012, IPLA sent notice to Respondent, by regular mail to her address on file with IPLA of the date and time of the pre-hearing/settlement conference in this matter scheduled for October 4, 2012.

26. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the final hearing date and failed to appear for the pre-hearing/settlement conference on October 4, 2012.

27. On October 15, 2012, the Board issued a Notice of Proposed Default Order. The Notice of Proposed Default Order was mailed by certified and regular mail to Respondent at her address on file with IPLA.

28. On October 23, 2012, a response was received from Respondent request a default not be entered.

29. On December 13, 2012, the Board voted to hold Respondent in default finding that the Respondent had been granted two previous continuances. Further, Respondent had proper notice of the pre-hearing/settlement conference, had been notified that no further continuances would be granted.

ULTIMATE FINDINGS OF FACT

1. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B).
2. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A).
3. Respondent violated two counts of Ind. Code § 25-1-9-4(a)(1)(B).

ORDER

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

1. Respondent's Indiana nursing license is hereby placed on **INDEFINITE PROBATION for no less than 1 year.**

2. While on probation, Respondent is prohibited from working in a supervisory capacity.

3. Prior to petitioning for withdrawal of probation, Respondent shall submit to the Board proof of completion of sixty (60) hours of continuing education units (CEUs) in the following areas:

- A. Twelve (12) hours in the area of patient restraints;
- B. Twelve (12) hours in the area of documentation/charting;
- C. Twelve (12) hours in the area of patient assessment;
- D. Twelve (12) hours in the area of pharmacology; and
- E. Twelve (12) hours in the area of professionalism/ethics.

4. Prior to petitioning for withdrawal of probation, Respondent shall pay to IPLA a **FINE** in the amount of **SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$750.00)**. Fine shall be paid by check or money order payable to IPLA.

5. Prior to petitioning for withdrawal of probation, Respondent shall pay to IPLA **COSTS** in the amount of **ONE HUNDRED EIGHTY-SEVEN DOLLARS AND SIXTY-FOUR CENTS (\$187.64)**. Costs shall be paid by check or money order payable to IPLA.

6. Proof of CEUs, Fine, and IPLA Costs shall be sent to IPLA at the following address:

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

7. Prior to petitioning for withdrawal of probation, Respondent shall pay to the Indiana Office of the Attorney General **COSTS** in the amount of **FORTY DOLLARS AND NO CENTS (\$40.00)**. Costs shall be paid by check or money order payable to the Indiana Office of the Attorney General, and submitted to the following address:

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

8. Prior to petitioning for reinstatement, 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:

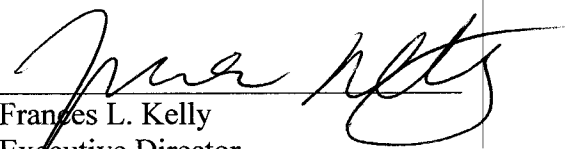
Indiana Office of the Attorney General
Attn: Katie Lee
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

9. Respondent's violation of the Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing 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.

SO ORDERED, this 21 day of December, 2012.

INDIANA STATE BOARD OF NURSING

By:


Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact and Order" has been duly served upon:

Denise Renee Hecht
508 Maple Avenue, Apt. 13
Greencastle, Indiana 46135
Service by U.S. Mail

Laura E. Wilford
8005 Castleway Drive
Indianapolis, Indiana 46250
Laura.Wilford@atg.in.gov
Service by Email

12.21.12

Date

Lisa Chapman

First/Last Name of Person Mailing

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.