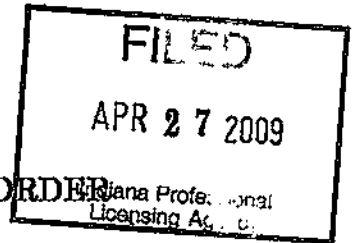


BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2007 NB 0190

IN THE MATTER OF THE LICENSE RENEWAL OF
BENJAMIN RYAN HEWITT, R.N.
LICENSE NUMBER 28160854A



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

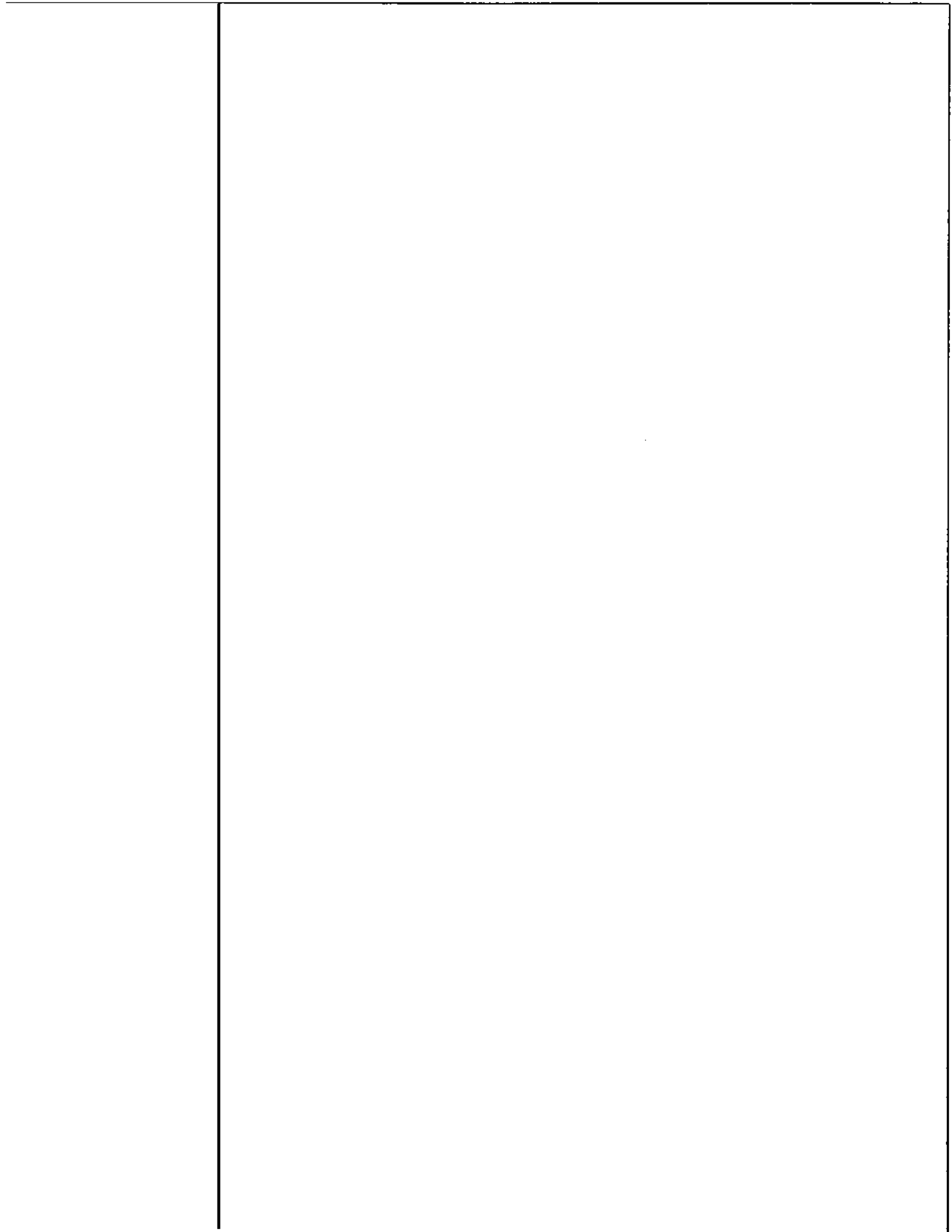
The Indiana State Board of Nursing ("Board") held an administrative hearing on March 19, 2009, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Benjamin Ryan Hewitt's ("Applicant") request to withdraw the probation from his license as a registered nurse.

Applicant appeared in person and waived his right to be represented by counsel. Laura Wilford, 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. Applicant, whose mailing address is 338 North New Years Eve, Santa Claus, Indiana 47579, is a registered nurse with license number 28160854A.
2. Applicant 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 Ind. Code § 25-1-9-9 and Ind. Code § 4-21.5-3.
4. The Board renewed Applicant's license on probation in November 2007 because he was convicted of operating a vehicle while intoxicated in 2006 and public intoxication in 2007. Various requirements were imposed as conditions of his probation.
5. Applicant asked that the probation on his license be withdrawn.
6. At the hearing on withdrawal of probation, Applicant testified that he has completely complied with the terms of his probation, which included



completing his recovery monitoring agreement with the Indiana State Nurses Assistance Program. He completed the program in July 2008.

7. The deficiency that led to the probation on Applicant's license involved alcohol abuse. Applicant's compliance with his 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." IC § 25-1-9-9(b).

2. Applicant's compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

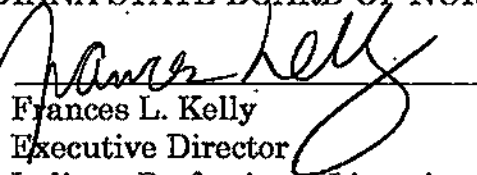
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board grants the Applicant's request for withdrawal and therefore **WITHDRAWS** the probation on Applicant's license.

SO ORDERED, this 27 day of April, 2009.

INDIANA STATE BOARD OF NURSING

By:


Frances L. Kelly
Executive Director

Indiana Professional Licensing Agency

Copies to:

Benjamin Hewitt, R.N.
338 North New Years Eve
Santa Claus, Indiana 47579
CERTIFIED MAIL NUMBER: 7008 1830 0001 4328 0452
RETURN RECEIPT REQUESTED

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