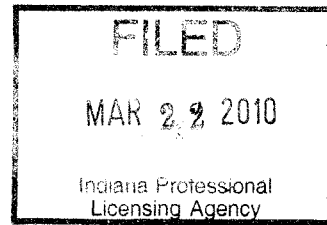


BEFORE THE INDIANA STATE
NURSING BOARD
CAUSE NUMBER: 2010 NB 068

IN THE MATTER OF THE LICENSE OF)
)
KIMBERLY HENLEY, R.N.)
)
LICENSE NO: 28178190A)



COMPLAINT

This complaint is brought against the nursing license of Kimberly Henley, R.N. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, Deputy Attorney General, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code § 25-23-1-7 et seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9-1 et seq. and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 7204 Jan Place Street, Louisville, KY 40258 and she is a Registered Nurse in the State of Indiana having been issued license number 28178190A in 2008.
2. On or around March 20, 1999, Respondent was arrested for Alcohol Intoxication in a Public Place in Louisville, Kentucky. Respondent was issued a citation.
3. On or around December 22, 2006, Respondent was arrested by the University of Kentucky Police Department for Alcohol Intoxication in a Public Place. Respondent was issued a citation.
4. On or around May 30, 2007, Respondent completed an "Application for Licensure by Examination" to obtain an Indiana nursing license. Respondent answered

“yes” to the questions, “Have you ever been convicted of, pled guilty or nolo contendere to: A) A violation of any Federal, State or local law relating to the use, manufacturing, distribution or dispensing of controlled substances, alcohol or other drugs? B) To any offense, misdemeanor or felony in any state?”

5. On or around December 13, 2007, Respondent made a personal appearance before the Indiana State Board of Nursing (Board) regarding her disclosure on her Indiana nursing license application that she had been convicted of a crime. Respondent informed the Board that she was charged in Kentucky with Driving Under the Influence in 1999 and Alcohol Intoxication in 2006. Respondent was permitted to sit for the National Council Licensure Examination (NCLEX) and was instructed to obtain an evaluation from the Indiana State Nurses Assistance Program (ISNAP). Respondent was told that she could be licensed after she passed the NCLEX and had ISNAP’s approval to be licensed.

6. On or around March 18, 2008, Respondent passed the NCLEX.

7. On or around March 21, 2008, Respondent initiated intake with ISNAP. Respondent reported that she began drinking as an adolescent and that she was attending AA meetings three to four times a week. Respondent also stated that she had a prn prescription for Valium.

8. On or around May 2, 2008, Respondent was diagnosed with alcohol abuse.

9. On or around May 15, 2008, Respondent signed a one-year recovery monitoring agreement (RMA) with ISNAP.

10. On or around May 16, 2008, Respondent reported to ISNAP that she was having panic attacks and that she used to take Valium for these. Respondent was referred to see her physician.

11. On or around May 19, 2008, Respondent was issued an Indiana Registered Nurse license.

12. On or around May 28, 2008, ISNAP mailed Respondent a "Needs Assistance Fund" (NAF) application after Respondent reported she was having difficulty paying for her urine drug screens.

13. On or around June 19, 2008, Respondent informed ISNAP that she did not want to be monitored because she allegedly could not afford the cost and was unable to find employment as a nurse.

14. On or around July 1, 2008, Respondent agreed to remain in monitoring and ISNAP sent Respondent another NAF application.

15. On or around October 24, 2008, ISNAP's quarterly compliance report indicated that Respondent was in significant non-compliance with her RMA. Respondent did not submit any self-reports or meeting logs and missed all of her urine drug screens.

16. On or around November 12, 2008, Respondent's RMA was closed.

17. As of March 3, 2010, Respondent had not re-enrolled in ISNAP.

COUNT I

1. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to her addiction to, abuse of, or severe dependency upon alcohol or other drugs that impair her ability to practice safely as evidenced by her two alcohol related citations, her alcohol abuse

diagnosis, her significant non-compliance with her ISNAP RMA and her subsequent closure from ISNAP.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

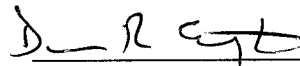
WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Greg Zoeller
Attorney General of Indiana

By:



Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the
Respondent, by United States mail, first-class, postage prepaid, on this 22nd day of
March, 2010.

Kimberly Henley
7204 Jan Place Street
Louisville, KY 40258

By: D-R Gt
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

OFFICE OF THE INDIANA ATTORNEY GENERAL

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