

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO: 2015 NB 037

IN THE MATTER OF THE LICENSE OF:)
)
KATHARINE M. HIERS, L.P.N.,)
)
LICENSE NO: 28137760A)

FILED
MAY 21 2015
Indiana Professional
Licensing Agency

FINAL ORDER

Lynda Narwold, R.N., designated by the Indiana State Board of Nursing ("Board"), pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge ("ALJ"), held an administrative hearing on April 8, 2015 concerning the Administrative Complaint filed against Katherine Hiers, R.N.

A copy of the ALJ's Recommended Findings of Fact, Conclusions of Law and Order is attached hereto as Exhibit A and made a part hereof.

Pursuant to Ind. Code § 4-21.5-3-29(c) the Board, at its meeting of May 21, 2015, votes 9 to 0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

ISSUED this 21st day of May, 2015.

INDIANA STATE BOARD OF NURSING

By: Maurice Bennett
for Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order" has been duly served upon:

Katharine M. Hiers
645 Nancy St.
Warsaw, IN 46580
Service by U.S. Mail

Timothy M. Weber
Indiana Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

May 21, 2015
Date

Lisa Chapman
Lisa Chapman

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.

3. On January 27, 2015, IPLA sent a notice to Respondent at her listed address, informing her of the time, date, and place of the Prehearing Settlement Conference ("PHSC") on this matter.

4. On February 19, 2015, Respondent failed to appear for the PHSC in person or by counsel.

5. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the date and time of the PHSC date and failed to appear for said PHSC.

6. On February 19, 2015, the Board voted 5-0-0 to issue a Notice of Proposed Default. On March 13, 2015, the Notice of Proposed Default Order was mailed to Respondent's address of record.

7. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

8. On April 8, 2015, the ALJ recommended the Respondent be held in default.

9. On April 8, 2015, Chuck Lindquist, Program Director for the Indiana State Nurses Assistance Program ("ISNAP"), testified that Respondent has been closed out of her Recovery Monitoring Agreement ("RMA") for a failure to comply with the terms of the RMA.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent failed to comply with her ISNAP RMA in violation of 848 IAC 7-1-7(1).

CONCLUSION OF LAW

Respondent's violation is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, revocation and/or a fine up to the amount of one thousand dollars (\$1,000) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Recommended Findings of Fact and Conclusion of Law, the ALJ issues the following Order:

1. Respondent's Indiana nursing license shall be placed on **INDEFINITE SUSPENSION**.
2. Respondent may petition for reinstatement after she maintains complete and continuous compliance with an ISNAP RMA for **SIX (6) MONTHS**.
3. Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE** in amount 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:

Office of the Indiana Attorney General
Attn: Kathy Shively
302 West Washington Street, 5th Floor
Indianapolis, IN 46204
4. Respondent shall, within ninety (90) days of the Final Order, pay a **FINE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250)**. The fine, payable by check or money order to the Indiana Professional Licensing Agency, should be sent to:

Indiana Professional Licensing Agency
Attn: Nursing, Group 2
402 West Washington Street, Room W072
Indianapolis, IN 46204

5. Respondent shall, within ninety (90) days of the Final Order, pay **COSTS** in the amount of **ONE HUNDRED SEVENTY ONE DOLLARS AND TEN CENTS (\$171.10)** payable to the Indiana Professional Licensing Agency. The costs, payable by check or money order, should be sent to:

Indiana Professional Licensing Agency
Attn: Nursing, Group 2
402 West Washington Street, Room W072
Indianapolis, Indiana 46204

6. Respondent further understands that a violation of the Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing may result in Petitioner requesting a summary 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.

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SO ORDERED, this 1st day of May, 2015.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: Maureen Bearth
for Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

**NOTICE OF RIGHT TO OBJECT TO RECOMMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

Either party may object to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order; but any objection must be filed with the Indiana State Board of Nursing, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the ISSUANCE of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency offices are closed during regular business hours in which case the deadline would be the first day which is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency offices are closed during regular business hours. The ALJ's Recommended Findings of Fact, Conclusions of Law and Order is not the final order of the Indiana State Board of Nursing in this proceeding. In the absence of any objection, the Indiana State Board of Nursing may affirm the ALJ's Recommended Findings of Fact, Conclusions of Law and Order as its final order or will serve notice of its intention to review any issue related to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order.

CERTIFICATE OF SERVICE

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

Katharine M. Hiers
645 Nancy St.
Warsaw, IN 46580
Service by U.S. Mail

Timothy M. Weber
Indiana Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

5.1.2015

Date



Lisa Chapman

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
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Phone: 317-234-2043
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