

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO: 2016 NB 200

IN THE MATTER OF THE LICENSE OF:)
AYESHA SHANEA BASEMORE, R.N.,)
LICENSE NO: 28218130A)



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Indiana State Board of Nursing (“Board”) held an administrative hearing on July 21, 2016, in the Auditorium of Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint filed against the nursing license of Ayesha Shanea Basemore, R.N., (“Respondent”) on May 6, 2016.

The State of Indiana, Office of the Attorney General, (“Petitioner”) was represented by Natalie Stidd, Deputy Attorney General. Respondent was present in person, without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter and the evidence presented by Petitioner and Respondent issues the following Findings of Fact, Conclusions of Law, Ultimate Conclusions of Law, and Order (“Final Order”) by a vote of 5-0-4:

FINDINGS OF FACT

1. Respondent is a Registered Nurse (“R.N.”) in the State of Indiana having been issued license number 28218130A on August 18, 2014. Respondent obtained her Indiana RN license by examination.

2. Respondent was a licensed practical nurse (“L.P.N.”) in Indiana, having been issued license number 27067461A on September 30, 2011. Respondent’s LPN expired on October 31, 2014, after she had obtained licensure as an RN.

3. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 2753 Grand Boulevard, Lake Station, Indiana 46405.

4. On September 9, 2014, Respondent was hired as an RN by BMO Home Health Care, Inc. ("BMO"), a home health care agency operating out of Gary, Indiana.

5. Also on September 9, 2014, Respondent signed an "Employee Written Warning" indicating that she had read the employee warning notice and understood it. The subject of the written warning is "daily reports." Respondent's nursing supervisor, Tina Harrison, R.N. ("Harrison"), also signed the document on September 9, 2014.

6. On September 20, 2014, Respondent was scheduled to perform bowel care on a quadriplegic patient. Respondent failed to report to the patient's home to provide the care, and Respondent failed to contact the patient, her supervisor, or an administrator with BMO on September 20, 2014, to inform the parties that she was not able to perform the care on that day. An Incident Report was completed by Harrison and also signed by Administrator Cassie McKinley ("McKinley").

7. Respondent made contact with BMO on September 21, 2014, at which time she was asked to come to the office on Monday, September 22, 2014.

8. Respondent was terminated from BMO on September 22, 2014, after meeting with Harrison and McKinley regarding the September 20, 2014 incident.

9. On or about October 13, 2014, Respondent was hired as a charge nurse, full time registered nurse, at Kindred Transitional Care and Rehabilitation ("Kindred Healthcare") in Dyer, Indiana. On October 15, 2014, Respondent signed a Status Change Acknowledgement indicating that she accepted her RN position at full time, 32 hours, with a shift of 6 am to 2 pm, and that she could not make changes to that schedule for ninety days.

10. On October 30, 2014, Respondent submitted a written request to Kindred Healthcare to decrease her hours to part-time, as she had accepted another position at a different facility. Respondent further indicated, "If this request is not possible, I hope that you will consider me for a position in the future."

11. On October 30, 2015, Respondent renewed her RN license through the MyLicense Online License Services, which required Respondent to provide answers to six (6) questions.

12. Respondent answered in the negative to Question 5, 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?"

13. As of October 30, 2015, Respondent had been terminated from her RN position at BMO on September 22, 2014.

ULTIMATE FINDINGS OF FACT

By her conduct in failing to disclose her termination from BMO Home Health Care, Inc. on her October 2015 Indiana RN online renewal, Respondent engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, a violation subjecting Respondent to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(1)(A).

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, or revocation and 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 Findings of Fact, the Board issues the following Order:

1. Respondent shall, within ninety (90) days of the Final Order, **PAY A FINE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** to the Indiana Professional Licensing Agency for the Board. The fine, 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

2. Within thirty (30) days of the Final Order, 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:

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

3. Respondent shall, within ninety (90) days of the Final Order, pay **COSTS** in the amount of **EIGHTY FIVE DOLLARS AND EIGHTY CENTS (\$85.80)** 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

4. Respondent's violation of this 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.

SO ORDERED this 3rd day of August, 2016.

INDIANA STATE BOARD OF NURSING

By: Herbert W Price
Natalie Hall, R.N.
Board President
Indiana State Board of Nursing

for

[Balance of Page Intentionally Left Blank]

CERTIFICATE OF SERVICE

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

Ayesha S. Basemore
2753 Grand Boulevard
Lake Station, IN 46405
Service by U.S. Mail

Natalie R. Stidd
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
natalie.stidd@atg.in.gov
Service by Email

Aug. 3, 2016
Date

Lisa Chapman
Lisa Chapman, 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: 317-233-4236
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.