

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2000 NB 0034

STATE OF INDIANA,)
)
 Petitioner,)
)
 v.)
)
 PAUL D. SEYMOUR, R.N.)
 LICENSE NUMBER: 28134537A)
)
 Respondent.)



FINDINGS OF FACT, ULTIMATE FINDING OF FACT,

CONCLUSION OF LAW, AND ORDER

The Indiana State Board of Nursing ("Board") held an administrative hearing on June 19, 2008 in the Auditorium of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, 46204 concerning the Order to Show Cause filed by the Board against Paul D. Seymour, R.N. ("Respondent") on May 29, 2008.

The State of Indiana was represented by Deputy Attorney General Laura E. Wilford. The Respondent appeared in person and waived his right to counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 8-1-0, issues the following Findings of Fact, Ultimate Finding of Fact, Conclusion of Law, and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 221 East 9th Street, Apt. 208, Indianapolis, Indiana 46204 and he is a Registered Nurse in the State of Indiana holding license number 28134537A. Respondent is also reported to reside at 8163 Glenn Willow Lane, # 102, Indianapolis, Indiana 46278.

2. On or around June 21, 2001, Respondent's Indiana nursing license was placed on Indefinite Suspension due to diversion of narcotics from his employer and addiction to cocaine. Respondent's diversion of narcotics led to a federal conviction of product tampering. Respondent was prohibited from petitioning for reinstatement for eighteen (18) months following his release from federal custody.

3. On or around December 12, 2005, Respondent contacted the Indiana State Nurses Assistance Program ("ISNAP").

4. On or around January 5, 2006, ISNAP received Respondent's substance abuse evaluation from Claryce Burnis, LCSW, CADAC II. Respondent was given a poly-substance dependence diagnosis.

5. On or around January 31, 2006, Respondent entered into a three (3) year Recovery Monitoring Agreement ("RMA") with ISNAP.

6. On or around February 28, 2006, Respondent reported to ISNAP that he had relapsed on cocaine. Respondent entered Volunteers of America's half-way house.

7. On or around July 19, 2006, Respondent reported to ISNAP that he relapsed on cocaine while in the half-way house. Respondent was placed on "lock down."

8. On or around August 8, 2007, Respondent began employment at Fresenius Dialysis.

9. Between August of 2006 and April of 2007, Respondent remained in complete compliance with his ISNAP RMA.

10. On or around May 10, 2007, Respondent's Indiana nursing license was reinstated on Indefinite Probation. One of his probationary terms specified that the Respondent was to maintain compliance with his RMA and federal probation.

11. On or around March 2008, Respondent relapsed on cocaine. While Respondent informed his federal probation officer of his relapse, he failed to inform ISNAP.

12. On or around May 9, 2008, Respondent reported to ISNAP that he relapsed on cocaine.

13. On or around May 12, 2008, Respondent's probation officer informed ISNAP that Respondent's urine drug screen tested positive for cocaine. She then informed ISNAP that Respondent had a previous relapse in March.

14. On or around May 29, 2008, the Board issued an Order to Show Cause against the Respondent's Indiana nursing license.

15. During the June 19, 2008 Order to Show Cause hearing, Respondent testified that he has had no employment issues despite his numerous relapses. Respondent further testified that he had become complacent in recovery but was back on track and doing the correct things to stay sober.

ULTIMATE FINDING OF FACT

Respondent's conduct constitutes a violation of Indiana Code § 25-1-9-4(a)(10) in that the Respondent has failed to comply with an order imposing sanction under section 9 of this chapter.

CONCLUSION OF LAW

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

ORDER

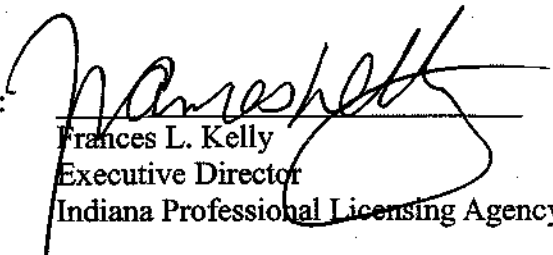
Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana nursing license is placed on **INDEFINITE SUSPENSION**.
2. Prior to petitioning for reinstatement, the Respondent shall demonstrate one (1) year of compliance with an ISNAP RMA.
3. Prior to petitioning for reinstatement, Respondent shall pay to the Indiana Professional Licensing Agency a **FINE** in the amount of **TWO HUNDRED AND FIFTY DOLLARS (\$250.00)**.
4. Prior to petitioning for reinstatement, Respondent shall submit proof to the Board that from the date of this Final Order he has completed **forty (40) hours of community service**. Said community service shall be related to the disease of addiction.
5. Any 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 11 day of July, 2008.

INDIANA STATE BOARD OF NURSING

By:



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

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