

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, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Nursing ("Board") held an administrative hearing on July 16, 2009, in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Paul Seymour's ("Respondent") request to reinstate his license as a registered nurse.

Petitioner 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. Petitioner, whose mailing address is 200 East Park Street, Colfax, Indiana 46035, is a registered nurse with license number 28134537A.
2. Petitioner received timely and proper notice of the date, time, and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-I-9-9 and Ind. Code § 4-21.5-3.
4. The Board suspended Petitioner's license in June 2008 because he diverted narcotics from his employer and was impaired due to substance abuse. In addition, he failed to follow through with his recovery monitoring agreement ("RMA") with the Indiana State Nurses Assistance Program ("ISNAP").

5. Petitioner had also been convicted of product tampering in federal court. He is will be coming off probation shortly.

6. In May 2009, Petitioner asked that his license be reinstated.

7. At the hearing on reinstatement, Petitioner testified that he signed a new RMA with ISNAP and has complied with it for over a year. ISNAP confirms that he has fully complied with his RMA and supports his request.

8. Petitioner has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." Ind. Code § 25-1-9-11.

2. Because Petitioner has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation, he qualifies for reinstatement of his license on probation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. Petitioner's license as a registered nurse will be reinstated on **INDEFINITE PROBATION**. Petitioner may petition to have the probationary order withdrawn after he completes his recovery monitoring agreement ("RMA") with the Indiana State Nurses Assistance Program ("ISNAP") *and*, having completed his RMA, after one additional year of active nursing practice where he is not monitored by ISNAP.

2. Petitioner's practice of nursing shall be governed by the following **TERMS AND CONDITIONS**:

a) Petitioner shall keep the Board informed in writing of his residential address and telephone number at all times.

b) Petitioner shall keep the Board informed in writing of his nursing employer(s) name, address, and telephone number at all times.

c) Petitioner must maintain his recovery monitoring agreement with ISNAP and comply with the terms of that agreement.

d) After the completion of his RMA, and while he is employed as a registered nurse, Petitioner will cause his nursing employer to submit quarterly written reports to the Board advising the Board of his professional competence, sense of responsibility, work habits, mental attitude and ability to work with others. If Petitioner is unemployed while on probation, he will submit a written personal report to the Board.

e) Petitioner shall comply with all statutes and rules regulating the practice of nursing.

3. The failure of Petitioner to comply with the terms of this order shall subject him to a show cause hearing and the imposition of further sanctions.

ORDERED this 1st day of September, 2009.

INDIANA STATE BOARD OF NURSING

By:

Frances L. Kelly
Frances L. Kelly

Executive Director

Indiana Professional Licensing Agency

Copies to:

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