

**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2011 NB 0226**

**IN THE MATTER OF THE)
LICENSE OF:)
DANIEL STURGIS, R.N.)
LICENSE NUMBER: 28198478A)**



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Nursing (“Board”) held an administrative hearing on January 19, 2012 in Cardinal Hall of the L.A. Pittenger Student Center at Ball State University, Muncie, Indiana concerning Daniel Sturgis’ request to withdraw the probation from his license as a registered nurse.

Sturgis appeared in person and waived his right to be represented by counsel. Patricia Gibson, 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, by a vote of 6 to 0, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Sturgis, whose mailing address is 5019 North College Avenue, Indianapolis, Indiana 46205, is a registered nurse with license number 28198478A.
2. Sturgis 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 § 25-1-9-9 and Ind. Code § 4-21.5-3.

4. The Board voted to issue Sturgis' license on probation in June 2011 because he had been convicted of driving under the influence in 2005 and 2007. At the time the Board made its decision, it directed him to maintain his recovery monitoring agreement with the Indiana State Nurses Assistance Program ("ISNAP").

5. In December, 2011, Sturgis requested that the probation be withdrawn from his license.

6. At the hearing on withdrawal of probation, Sturgis testified that he has fully complied with the terms of his probation and completed a recovery monitoring agreement with ISNAP on January 12, 2012.

7. The deficiency that led to the probation on Sturgis' license involved alcohol abuse. Sturgis' compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).


2. Sturgis' compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on Sturgis' license.

SO ORDERED, this 31 day of January, 2012.

INDIANA STATE BOARD OF NURSING

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Daniel Sturgis, R.N.
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