

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2017 NB 0309

IN THE MATTER OF THE LICENSE OF:)
)
LISA SUTTON, R.N.,)
)
LICENSE NO: 28113059A)



**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

The State of Indiana (“Petitioner”), by Aaron T. Milewski, Deputy Attorney General, Lisa Sutton (“Respondent”) and counsel for Respondent, Melissa Wray signed a Proposed Settlement Agreement (“Agreement”) which purports to resolve all issues involved in the action by Petitioner and the Indiana State Board of Nursing (“Board”) regarding the Respondent’s license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the April 19, 2018, meeting held in Conference Room B of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as **Exhibit A** and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 6-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law, and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 4th day of May 2018.

INDIANA STATE BOARD OF NURSING

By: Maureen Bennett
for Kim Cooper, R.N.
Board President
Indiana State Board of Nursing

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CERTIFICATE OF SERVICE

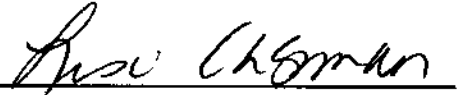
I certify that a copy of the "Final Order Accepting Proposed Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Lisa Sutton
7335 Liberty Ave.
Fulton, IN 46931
Service by U.S. Mail

Melissa Wray
Brown Law Office
6214 Broadway St.
Indianapolis, IN 46220
Service by U.S. Mail

Aaron T. Milewski
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

5.4.2018
Date


Lisa Chapman, Litigation Coordinator

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.

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2017 NB 0309

IN THE MATTER OF THE LICENSE OF:)
LISA SUTTON, R.N.)
LICENSE NO. 28113059A)
SUSPENDED)



PROPOSED SETTLEMENT AGREEMENT

Respondent, Lisa Sutton, R.N. ("Respondent"), by counsel, Melissa Wray, and the State of Indiana ("Petitioner"), by counsel, Aaron T. Milewski, Deputy Attorney General, hereby execute this Agreement as a disposition of the disciplinary complaint filed on December 18, 2017. This agreement is subject to the review and approval of the Board pursuant to Indiana Code § 25-1-9 and Administrative Orders and Procedures Act at Indiana Code § 4-21.5-3.

STIPULATED FINDINGS OF FACT

1. Respondent is a Registered Nurse ("R.N.") in the State of Indiana having been issued license number 28113059A on September 12, 1991, by the Indiana State Board of Nursing ("Board").
2. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 7335 Liberty Ave, Fulton, IN 46931.
3. Respondent first entered into a three (3) year RMA for opioid dependence on May 4, 2006. That three (3) year RMA was completed almost five (5) years later on

Exhibit
A

February 28, 2011. The extension of time to complete the RMA was due to Respondent's non-compliance with reporting requirements of the RMA.

4. In February 2015, while working as a nurse at St. Joseph Hospital ("St. Joseph"), Respondent admitted to diverting dilaudid from the hospital.

5. Respondent diverted the dilaudid from St. Joseph by removing narcotics from the Pyxis, and charting that narcotics were wasted when the narcotics were actually diverted by Respondent.

6. In February 2015, Respondent enrolled for her second time in ISNAP.

7. Respondent was terminated from St. Joseph for diversion on March 2, 2015.

8. On April 10, 2015, Respondent entered into a 3-year RMA.

9. When Respondent applied to renew her license in October 2015, she disclosed that she had been terminated from St. Joseph. After a personal appearance, the Board renewed Respondent's license on probation for the term of her RMA.

10. On November 22, 2016, as a result of her diversion from St. Joseph, Respondent pled guilty to and was convicted of Obtaining a Controlled Substance by Fraud or Deceit, a Level 6 Felony, and Theft, a Class A Misdemeanor in Howard Superior Court 1, under Cause No. 34D01-1601-F6-000026. Respondent was placed on supervised probation for 911 days.

11. While Respondent was on probation and under an RMA, an Order to Show Cause was filed against her by ISNAP on February 8, 2017, due to a history and pattern of non-compliance with the terms of her RMA.

12. After a hearing on the Order to Show Cause, the Board indefinitely suspended Respondent's license for not less than three (3) months, beginning April 5, 2017.

13. Respondent's ISNAP progress notes show that she was significantly non-compliant for the first and second quarters of 2017 for missing all meeting, self-report and sponsor reports. Respondent was fully compliant with ISNAP for the 4th quarter of 2017.

14. As of March 27, 2018, Respondent has not requested that her license be reinstated. Respondent also has not applied to renew her license after the expiration date of October 31, 2017.

ULTIMATE FINDINGS OF FACT

1. Respondent's violations are cause for disciplinary sanctions which may be imposed singularly or in combination, such as censure, letter of reprimand, probation, suspension, and permanent revocation, and the imposition of a fine in any amount up to \$1,000.00 per violation as detailed in Indiana Code § 25-1-9-9.

2. Respondent's actions constitute a violation of Indiana Code § 25-1-9-4(a)(2)(A).

3. Respondent's actions constitute a violation of Indiana Code § 25-1-9-4(a)(2)(B).

4. Respondent's actions constitute a violation of Indiana Code § 25-1-9-4(a)(3); 848 IAC 2-2-3(6).

5. Respondent's actions constitute a violation of Indiana Code § 25-1-9-4(a)(3); 848 IAC 2-2-3(11).

STIPULATED CONCLUSIONS OF LAW

1. The agreement of the parties as stated above establishes a sufficient factual and legal basis for the discipline of Respondent's nursing license.

WHEREAS, this matter is set for a hearing before the Board; and

WHEREAS, the Respondent and Petitioner wish to resolve this matter prior to a hearing and have reached this resolution.

AGREED DISPOSITION

It is now therefore agreed by Respondent and Petitioner as follows:

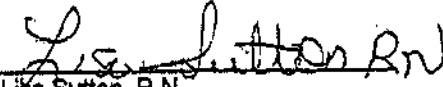
1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. Both parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license.

5. Respondent agrees that her Indiana nursing license shall be placed on **INDEFINITE SUSPENSION** for a period of not less than **ONE YEAR**, initiating from the date of a signed order from the Board.
6. Prior to petitioning for reinstatement, Respondent must remain in **COMPLETE** and **CONTINUOUS COMPLIANCE** with her RMA for a period of **ONE YEAR**.
 - a. Complete and continuous compliance shall mean Respondent has no missed urine drug screens and has no positive urine drug screens. Should Respondent have three (3) dilute urine drug screens, ISNAP shall immediately notify the Board of same.
7. Also prior to petitioning for reinstatement, Respondent shall, pursuant to Indiana 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 be submitted to the following address:

Office of the Attorney General
ATTN: Theresa Henson
302 West Washington Street
5th Floor, Indianapolis, IN 46204
8. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
9. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of

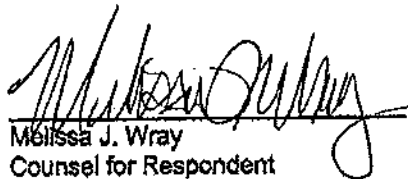
nursing, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Indiana Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

10. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renew Respondent's license at later date.



Lisa Sutton, R.N.
Respondent

4-11-2018
Date



Melissa J. Wray
Counsel for Respondent

4/11/18
Date



Aaron T. Milewski
Deputy Attorney General

4/11/18
Date