

BEFORE THE INDIANA  
STATE BOARD OF NURSING  
CAUSE NUMBER: 2002 NB 055

STATE OF INDIANA,

Petitioner,

v.

KATHLEEN KAY THOMPSON, L.P.N.

License Number: 27011306A,

Respondent.

**FINAL ORDER**

Laurie Peters, R.N., designated by the Indiana State Board of Nursing ("Board"), pursuant to IC 4-21.5-3-9 to act as an administrative law judge ("ALJ"), held an administrative hearing on January 19, 2005, concerning Kathleen Kay Thompson's ("Respondent") request to withdraw the indefinite probation from her license as a practical nurse.

A copy of the ALJ's Recommended Findings of Fact, Conclusions of Law and Order is attached hereto as Exhibit A and made a part hereof.

Pursuant to IC 4-21.5-3-29(c) the Board, at its meeting of February 17, 2005, hereby affirms said Recommended Findings of Fact, Conclusions of Law and Order and adopts it as a final order in this proceeding.

The request to withdraw the probation on Respondent's license is DENIED. Respondent's license will remain on Indefinite Probation.

ISSUED this 28<sup>th</sup> day of February, 2005.

INDIANA STATE BOARD OF NURSING

By: Barbara Marvel McNutt

Barbara Marvel McNutt  
Interim Executive Director  
Health Professions Bureau

Copies to:

Kathleen Kay Thompson, L.P.N.

2867 W CR 100 South

New Castle, IN 47362

CERTIFIED MAIL NUMBER: 7003 3110 0003 5658 6497

RETURN RECEIPT REQUESTED

Judith Kernel

Deputy Attorney General

Office of the Attorney General

302 West Washington Street, Fifth Floor

Indianapolis, Indiana 46204-2770

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 or PO Box  
 City, State **New Castle, IN 47362**

Printed Name **Thompson** Agent   
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BEFORE THE INDIANA  
STATE BOARD OF NURSING  
CAUSE NUMBER: 2002 NB 055

STATE OF INDIANA,

Petitioner,

v.

KATHLEEN KAY THOMPSON, L.P.N.  
License Number: 27011306A

Respondent.

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER

Laurie Peters, R.N., designated by the Indiana State Board of Nursing ("Board"), pursuant to IC 4-21.5-3-9 to act as an administrative law judge ("ALJ"), held an administrative hearing on January 19, 2005, in Room W064 of Indiana Government Center South Building, 402 West Washington Street, Indianapolis, Indiana concerning the request of Kathleen Kay Thompson ("Respondent") to withdraw the probation from her practical nursing license.

Jenna M. Stewart, Deputy Attorney General, appeared for the State of Indiana. Respondent appeared in person and waived her right to be represented by counsel.

The ALJ, after considering the evidence presented and taking official notice of the file in this matter issues the following Recommended Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Respondent, Kathleen Kay Thompson, whose mailing address is, 2867 W CR 100 South, New Castle, Indiana 47362, is a licensed practical nurse with license number 27011306A.
2. On December 26, 2002, the Board placed the Respondent's license on indefinite suspension for six (6) months to be followed by indefinite probation for the minimum period of one (1) year. The Board found the Respondent subject to disciplinary sanctions due to her criminal conviction for sexual misconduct, a Class A Misdemeanor; lewd or immoral conduct in the delivery of nursing services; and inappropriate interpersonal behaviors in providing nursing care.

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3. The Respondent requested withdrawal of probation from her license via electronic mail message sent December 13, 2004.

4. The Respondent received timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code 4-21.5-3-20.

5. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code 25-1-9-9 and Indiana Code 4-21.5-3.

6. At the hearing, the Respondent testified that she would not repeat her offense nor would she seek employment where she would be in contact with prison inmates.

7. The Respondent stated she would like the probation on her license withdrawn because she would like to resume the practicing of nursing and would like to put the past behind her. Respondent stated that she is unable to find employment while her license is on probation.

8. The file maintained by the Health Professions Bureau showed evidence that the Respondent has not been in compliance with the reporting requirements specified in the terms of her probation. The Respondent testified that she was not aware of the terms of her probation.

9. The Respondent failed to show that she understood her behavior to be in violation of the standards for the competent practice of nursing. She further failed to show increased awareness of boundary issues relevant to the practice of nursing.

### 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." IC 25-1-9-11.

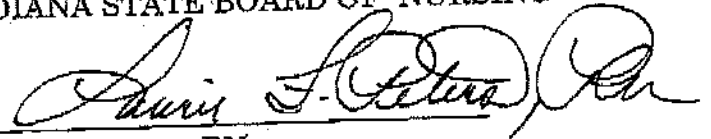
2. The Respondent provided no evidence that she has been in compliance with the terms of her probation or has increased her awareness of boundary issues relevant to the practice of nursing.

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge recommends that the Board DENY the request to withdraw the probation on Respondent's license.

SO ORDERED, this 21<sup>st</sup> day of January, 2005.

INDIANA STATE BOARD OF NURSING



Laurie F. Peters, RN  
Administrative Law Judge

**NOTICE OF RIGHT TO OBJECT TO RECOMMENDED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

Either party may object to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order: but any objection must be filed with the Indiana State Board of Nursing, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the ISSUANCE of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours in which case the deadline would be the first day which is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours. The ALJ's Recommended Findings of Fact, Conclusions of Law and Order is not the final order of the Indiana State Board of Nursing in this proceeding. In the absence of any objection, the Indiana State Board of Nursing may affirm the ALJ's Recommended Findings of Fact, Conclusions of Law and Order as its final order or will serve notice of its intention to review any issue related to the ALJ's Recommended Findings of Fact, Conclusions of Law and Order.

Copies to:

Kathleen Kay Thompson, L.P.N.

2867 W CR 100 South

New Castle, IN 47362

**CERTIFIED MAIL NUMBER: 7003 3110 0003 5658 5612**

**RETURN RECEIPT REQUESTED**

Jenna M. Stewart

Deputy Attorney General

Office of the Attorney General

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Indianapolis, Indiana 46204-2770