

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2002 NB 0055

STATE OF INDIANA,

Petitioner,

FILED

v.

MAY 23 2005

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

HEALTH PROFESSIONS
BUREAU

Respondent.

**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER**

Kay Leach, 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 May 10, 2005, in Room W064 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning Kathleen Kay Thompson's ("Respondent") request to withdraw the probation from her license as a practical nurse.

Respondent appeared in person and waived her right to be represented by counsel. Elizabeth Kiefner, Deputy Attorney General, represented the state of Indiana.

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. Respondent, whose mailing address is 2867 West County Road 100 South, New Castle, Indiana 47362, is a practical nurse with license number 27011306A.

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

3. 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.

Exhibit A

4. The Board voted to place Respondent's license on probation in December 2002 because she had relations with a prison inmate while she was employed at the Pendleton Correctional Facility.

5. The Respondent asked that the probation on her license be withdrawn in a letter dated February 4, 2005.

6. At the hearing on withdrawal of probation the Respondent testified that she has complied with the terms of her probation.

7. The deficiencies that led to the probation on Respondent's license involved having relations with a prison inmate while employed at the facility where he was incarcerated. Respondent's compliance with her 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." IC 25-1-9-9(b).

2. Respondent's compliance with her 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 Respondent's license.

SO ORDERED, this 23 day of May, 2005.

KAY LEACH, R.N.
ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF
NURSING

Celinda Kay Leach

**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 West County Road 100 South
New Castle, Indiana 47362

CERTIFIED MAIL NUMBER: 7003 3110 0003 5658 1782
RETURN RECEIPT REQUESTED

Respondent

Elizabeth Kiefner
Deputy Attorney General
Office of the Attorney General
402 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770
Attorney for the State of Indiana

228970