

FILED

JUL 27 2012

Indiana Professional
Licensing Agency

IN THE MATTER OF THE LICENSE OF:)
ARDITH ANNE VOLK, L.P.N.,)
LICENSE NUMBER: 27016674A)

NOTICE OF PROPOSED DEFAULT AND SUMMARY SUSPENSION ORDER

An Order to Show Cause hearing was scheduled to be held on July 19, 2012, before the Indiana State Board of Nursing ("Board") in the Indiana State Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, to consider the Order to Show Cause filed on May 30, 2012, against the Indiana nursing license of Ardith Anne Volk, L.P.N., ("Respondent").

Patricia Gibson, Deputy Attorney General represented the State of Indiana ("Petitioner"). Respondent failed to appear in person or by counsel.

NOTICE OF PROPOSED DEFAULT

The Board, after taking official notice of its file in this matter and pursuant to Ind. Code § 4-21.5-3-24, by a vote of 7-0-0, issues a Notice of Proposed Default on the following grounds:

1. Respondent's address on file with the Board is 7330 Railhead Court Indianapolis, Indiana 46256 and she is a licensed practical nurse holding Indiana license number 27016674A with an expiration date of October 31, 2012.
2. On May, 30, 2012, the Indiana Professional Licensing Agency ("IPLA") sent a notice to Respondent at her last reported address, informing Respondent of the date, time and place of the Order to Show Cause hearing scheduled for July 19, 2012. IPLA sent said notice pursuant to statute by certified mail, return receipt requested, to Respondent's address filed with the Board.

3. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the Order to Show Cause hearing and failed to appear for the hearing scheduled on July 19, 2012.

NOTICE OF PROPOSED DEFAULT ORDER

For the Respondent's failure to appear for the hearing scheduled on July 19, 2012, the Board issues the following Notice of Proposed Default Order:

In accordance with Ind. Code § 4-21.5-3-24, the Respondent must file a written motion within seven (7) days of service of this Order requesting the Board not enter a default order in this case and stating the reasons relied upon for that request. Failure of the Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If the Respondent timely files a motion, the Board shall consider said motion along with any relevant facts in determining whether it should entered a default order. Should the Board enter a default order against the Respondent's license, the Board may hold further proceedings it deems appropriate to complete this case without the participation of the Respondent.

SUMMARY SUSPENSION ORDER

The Board also noted that Respondent's Indiana nursing license remained on probation with an expiration date of October 31, 2012. After taking notice of its file, pursuant to Indiana Code art. 4-21.5 *et seq.* and Ind. Code § 25-1-9-10, and reviewing the evidence presented by Petitioner, the Board, by a vote of 7-0-0, approved the summary suspension of Respondent's Indiana nursing license, as the Board found that the Respondent represented a clear and immediate danger to the public health and safety if allowed to continue to practice as a licensed practical nurse in the State of Indiana for the following reasons:

1. On or about June 24, 2008, Respondent initiated intake with the Indiana State Nurses Assistance Program ("ISNAP") in order to help manage her depression and excessive drinking.
2. On or about July 9, 2008, Toni Black, LMFT, from Community Hospital diagnosed Respondent with alcohol dependency, major depressive disorder, and generalized anxiety disorder.
3. On or about July 28, 2008, Respondent signed and returned the three year recovery monitoring agreement ("RMA") to ISNAP.
4. On or about February 24, 2009, ISNAP closed Respondent's case due to significant noncompliance.
5. On or about May 28, 2010, Respondent was arrested for Public Intoxication, Class B Misdemeanor, and Resisting Law Enforcement, Class A Misdemeanor, in Cause Number 49F09-1006-CM-042589.
6. On or about July 6, 2011, Respondent contacted ISNAP, informed them she had relapsed on alcohol, and requested to enter into a new RMA.
7. On or about August, 8, 2011, Respondent was diagnosed with alcohol dependence.
8. On or about August, 8, 2011, Respondent divulged to ISNAP she was arrested for public intoxication in 2010.
9. On or about August 22, 2011, Respondent entered into a three (3) year RMA.
10. On or about July 27, 2011, Respondent's criminal case, Cause Number 49F09-1006-CM-042589, was transferred to a different court, F08, as Respondent may have been eligible for the Marion County P.A.I.R. Program.

11. On or about October 4, 2011, pursuant to a settlement agreement, the Board placed Respondent's license on indefinite probation. In addition to other terms and conditions, the Board's order required Respondent to keep the Board informed of her nursing employer's name, address, and telephone number; return a copy of orders signed by her employer to the Board within seven (7) days of employment; have her nursing employer submit quarterly written reports to the Board and if unemployed submit personal reports to the Board; and remain in complete continuous and full compliance with her new ISNAP RMA.

12. On or about October 18, 2011, Respondent's urine drug screen ("UDS") was dilute with a creatinine level of 0.18.

13. On or about November 16, 2011, Respondent's UDS was positive for ETG at 699ng/ml. Respondent informed ISNAP her UDS was positive for alcohol (ETG) because she was ill and took Nyquil knowing it contained alcohol. ISNAP extended Respondent's RMA for three months and informed Respondent any further positive UDS's would result in an Order to Show Cause hearing.

14. On or about February 16, 2012, Respondent informed ISNAP she obtained employment at Life Touch Home Health Care as a LPN.

15. On, or about March 13, 2012, ISNAP excused Respondent's UDS because she tested ten (10) days previously and claimed to have no money.

16. On or about April 6, 2012, Respondent informed ISNAP she had obtained employment at Advantage Home Healthcare as a LPN.

17. On or about April 26, 2012, Respondent's UDS was positive for alcohol. Respondent admitted drinking two beers the previous day.

18. On or about June 21, 2012, Respondent failed to appear for a scheduled UDS.

19. On or about July 18, 2012, counsel for Petitioner inspected Respondent's IPLA file. Since being placed on probation, Respondent had failed to submit any quarterly employer or personal reports to the Board and had not submitted a signed order from Advantage Home Health Care.

WHEREFORE, THE BOARD ORDERS RESPONDENT to immediately cease and desist all acts constituting the practice of licensed practical nursing for a period of 90 days from the date of this Order.

THE BOARD FURTHER ORDERS, that Respondent immediately surrender all indicia of licensure, including her pocket licenses and wall licenses, to the Board in care of:

Indiana Professional Licensing Agency
Attn: Nursing, Group 2
402 West Washington Street, Room W072
Indianapolis, IN 46204

SO ORDERED this 27 day of July, 2012. Effective the 19th day of July, 2012.

INDIANA STATE BOARD OF NURSING

By:



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency