BEFORE THE INDIANA STATE BOARD OF NURSING
CAUSE NUMBER: 2016 NB 0465

IN THE MATTER OF THE LICENSE OF:)
)
NATHANIEL GERARD STIMPSON, R.N.,)
)
LICENSE NO.: 28218240A)

FILED
AUG 07 2019
Indiana Professional Licensing Agency

FINAL ORDER

Karen Medernach designated by the Indiana State Board of Nursing ("Board"), pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge ("ALJ") held an administrative hearing on May 2, 2019 concerning Nathaniel Stimpson's Petition to Withdraw Probation from his license as a 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 Ind. Code § 4-21.5-3-29(c) the Board, at its meeting of July 18, 2019, votes 5 to 0 to affirm said Recommended Findings of Fact, Conclusions of Law and Order and adopt it as a final order in this proceeding.

The probation on Stimpson's license is **WITHDRAWN.**

ISSUED this 7th day of August, 2019.

INDIANA STATE BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order" has been duly served upon:

Nathaniel Stimpson
9234 Hemphill Drive,
Fort Wayne, Indiana 46819
Service by U.S. Mail

Natalie Stidd
Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by Email

Aug 7, 2019
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
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Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
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BEFORE THE INDIANA STATE BOARD OF NURSING
CAUSE NUMBER: 2016 NB 0465

IN THE MATTER OF THE LICENSE OF:)
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NATHANIEL GERARD STIMPSON, R.N.,)
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LICENSE NO.: 28218240A)

FILED
JUN 12 2019
Indiana Professional Licensing Agency

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Karen Medernach, designated by the Indiana State Board of Nursing ("Board"), pursuant to Ind. Code § 4-21.5-3-9 to act as an administrative law judge ("ALJ") held an administrative hearing on May 2, 2019, in Conference Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Nathaniel Stimpson's Petition to Withdraw Probation from his license as a nurse.

Stimpson appeared in person and waived his right to be represented by counsel. Natalie Stidd of the Attorney General's Office 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:

RECOMMENDED FINDINGS OF FACT

1. Stimpson, whose mailing address is 9234 Hemphill Drive, Fort Wayne, Indiana 46819, is a registered nurse with license number 28218240A.

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

Exhibit A

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 *et seq.*

4. On March 23, 2017, the Board, pursuant to a settlement agreement, placed Stimpson's license on probation because while working at Adams Memorial Hospital in Decatur, Indiana, he diverted dilaudid, morphine, and fentanyl. Adams Memorial Hospital fired Stimpson, and he pled guilty to obtaining a controlled substance by fraud or deceit, a level six felony. A trial court placed Stimpson on criminal probation for a one-year term, and required him to complete a substance abuse evaluation and ongoing urine drug screens. On December 9, 2016, Stimpson self-enrolled in the Indiana State Nurses Assistance Program ("ISNAP"), with a diagnosis of opioid use disorder-mild. Stimpson entered into a two-year recovery monitoring agreement ("RMA") with ISNAP.

5. On January 30, 2019, Stimpson filed a petition, requesting that the Board withdraw the probation from his license as a nurse.

6. At the hearing to withdraw probation on May 2, 2019, Stimpson presented evidence that he earned misdemeanor treatment for his felony conviction upon the completion of his criminal probation. Stimpson also testified that he complied with the terms and conditions of the probation placed on his license, including successfully completing his RMA with ISNAP. Stimpson explained that he currently works at Ossian Health and Rehabilitation Center as an Assistant Director of Nursing and maintains a strong support group where he communicates with his recovery sponsor every Monday.

7. The deficiency that led to the probation on Stimpson's license involved substance abuse. Stimpson's compliance with the terms of his probation constitutes

evidence that he may practice with reasonable skill and safety to the public without probation or monitoring for the deficiency that required probation has been remedied.

RECOMMENDED 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. Stimpson's compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

RECOMMENDED ORDER

Based upon the foregoing Recommended Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the **PROBATION** on Stimpson's license.

SO ORDERED, this 12th day of June, 2019.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: Maureen Bennett
for Karen Medernach
Administrative Law Judge
Indiana State Board of Nursing

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 Indiana Professional Licensing Agency 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 Indiana Professional Licensing Agency 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.

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CERTIFICATE OF SERVICE

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

Nathaniel Stimpson
9234 Hemphill Drive
Fort Wayne, Indiana 46819
Service by U.S. Mail

Natalie Stidd
Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by Email

6. 12. 2019
Date

Lisa Chapman, Litigation Coordinator

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