

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2003 NB 0032

STATE OF INDIANA,

Petitioner,

v.

MICHELLE TEJERA, L.P.N.
License Number: 27052112,

Respondent.

DEC 03 2003

HEALTH PROFESSIONS
BUREAU

FINAL 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 October 7, 2003 concerning Michelle Tejera's ("Respondent") request to withdraw the 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 November 20, 2003, by a vote of 6-0-0, hereby affirms said Recommended Findings of Fact, Conclusions of Law and Order and adopts it as a final order in this proceeding.

The probation on Respondent's license is **WITHDRAWN**.

ISSUED this 3rd day of December, 2003.

INDIANA STATE BOARD OF NURSING

By: Lisa Hayes
Lisa Hayes
Executive Director
Health Professions Bureau

Copies to:

Michelle Tejera
5431 Dollar Forge Court
Indianapolis, Indiana 46221
CERTIFIED MAIL NUMBER: 7002 3150 0000 1730 8719
RETURN RECEIPT REQUESTED
Respondent

119942

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2008 NB 0032

STATE OF INDIANA,

Petitioner,

v.

FILED

MICHELLE TEJERA, L.P.N.
License Number: 27052112,

OCT 09 2008

Respondent.

HEALTH PROFESSIONS
BUREAU

**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 October 7, 2008, in Room 3 of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning Michelle Tejera'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.

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 5431 Dollar Forge Court, Indianapolis, Indiana 46221 is a practical nurse with license number 27052112.
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.

4. The Board issued Respondent's license on probation in March 2003 because she was impaired due to an addiction to alcohol.

5. The Respondent asked that the probation on her license be withdrawn in a letter received on August 4, 2003.

6. At the hearing on withdrawal of probation the Respondent testified that she has complied with the terms of her probation. She signed a Recovery Monitoring Agreement with the Indiana State Nurses Assistance Program ("ISNAP") on April 1, 2003. She has complied with the terms of that contract.

7. The deficiencies that led to the probation on Respondent's license involved impairment due to an addiction to alcohol. 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 9 day of October, 2003.



KAY LEACH, R.N.
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 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:

Michelle Tejera
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Respondent

Indiana State Nurses Assistance Program
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