BEFORE THE INDIANA STATE BOARD OF NURSING
CAUSE NUMBER: 2012 NB 074

IN THE MATTER OF THE LICENSE OF:)
SHARI STRATTON, R.N.,)
LICENSE NO: 28185494A)

FILED
JUN 19 2012
Indiana Professional Licensing Agency

FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Nursing ("Board") held an administrative hearing on May 17, 2012, in the Auditorium of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, 46204, concerning the Order to Show Cause ("OTSC") filed by the Board against the Indiana nursing license of Shari Stratton, R.N. ("Respondent"), on May 2, 2012.

The State of Indiana ("Petitioner") was represented by the Office of the Indiana Attorney General, by David A. Fleischhacker, Deputy Attorney General. Respondent appeared in person and was not represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 7-0-1, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency is 4946 South Belfast Drive, Crawfordsville, Indiana 47933. Respondent is a Registered Nurse in the State of Indiana having been issued license number 28185494A in 2009.

2. On or about January 19, 2012, Respondent agreed to have her license renewed on Indefinite Probation after disclosing she had been terminated for tampering with morphine and suspected diversion. Prior to petitioning for withdrawal of her probation, Respondent was

required to successfully complete her Recovery Monitoring Agreement ("RMA") with the Indiana State Nurses Assistance Program ("ISNAP"). Respondent's license, while on Indefinite Probation, was subject to, among other things, the following terms and conditions: Maintain her RMA with ISNAP and comply with its terms.

3. On or about February 29, 2012, ISNAP deemed Respondent to be in non-compliance with her RMA due to her failing to call in for urine drug screens ("UDS").

4. On or about April 10, 2012, ISNAP deemed Respondent to be in continued non-compliance with her RMA due to failing to call in for her UDS.

5. On or about April 24, 2012, ISNAP requested an OTSC hearing due to Respondent's continued non-compliance with her RMA.

6. On or about May 17, 2012, Respondent appeared for her OTSC hearing at which she testified her non-compliance with her RMA was primarily due to financial problems, but that she had been taking UDS through her criminal probation. Respondent admitted to non-compliance with her RMA.

CONCLUSION OF LAW

Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(10) in that Respondent has failed to comply with an order imposing sanctions under section 9 of this chapter.

ULTIMATE FINDINGS OF FACT

Respondent's violation is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, revocation and/or a fine up to the amount of one thousand dollars ($1,000) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana nursing license is placed on **INDEFINITE SUSPENSION.** Prior to petitioning for reinstatement, Respondent must maintain full compliance with her ISNAP RMA for at least **SIX (6) MONTHS**.

2. Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE** of **FIVE DOLLARS** ($5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Katie Thorpe
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

3. Respondent shall, within ninety (90) days of the Final Order, pay **COSTS** in the amount of $96.54 payable to the Indiana Professional Licensing Agency. The costs, payable by check or money order, should be sent to:

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

4. Respondent further understands that a violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED, this 19 day of June, 2012.

INDIANA STATE BOARD OF NURSING

By: _____

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Shari Stratton
4946 South Belfast Drive
Crawfordsville, IN 47933

David A. Fleischhacker, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204

CERTIFICATE OF SERVICE

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

Shari Stratton
4946 South Belfast Drive
Crawfordsville, IN 47933

David A. Fleischhacker, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204

_____Personal Service: by delivering a true copy of the aforesaid documents personally; the individual certifying knew said person/corporation so served to be the person/corporation described above.

__X__Service by U.S. Mail: by depositing a true copy of the aforesaid documents in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

6/19/12
(Date)

Carri Burke
Carri Burke, Compliance Director

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