

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER 2018 NB 0034

IN THE MATTER OF THE LICENSE OF:)
)
THERESA J. THARP, R.N.,)
)
LICENSE NO: 28133994A)



FINAL ORDER

Kim Cooper, M.S.N, R.N., Beth De Koninck, D.N.P., F.N.P., R.N., and India Owens, M.S.N, R.N., CEN, NE-BC, FAEN, designated by the Indiana State Board of Nursing ("Board") pursuant to Ind. Code § 4-21.5-3-9 to act as administrative law judges ("ALJ"), held a final hearing on July 19, 2018, concerning the Administrative Complaint filed against the Indiana nursing license of Theresa Tharp, R.N. ("Respondent"), on January 16, 2018.

A copy of the Recommended Findings of Fact, Ultimate Findings of Fact, Conclusion 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 on October 18, 2018, votes 6 to 0 to affirm said Recommended Findings of Fact, Ultimate Findings of Fact, Conclusion of Law and Order and adopt it as a final order in this proceeding.

ISSUED this 18th day of October, 2018

INDIANA STATE BOARD OF NURSING

By: Herbert W. Bruce
Kim Cooper, R.N.
Board President
Indiana State Board Nursing

for

CERTIFICATE OF SERVICE

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

Theresa J. Tharp
319 South Hunt St.
Greentown, IN 46936
Service by U.S. Mail

Ryan P. Eldridge
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Ryan.Eldridge@atg.in.gov
Service by Email

10.19.2018
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
Fax: 317-233-4236
Email: pla2@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

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IN THE MATTER OF THE LICENSE OF:)
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THERESA J. THARP, R.N.,)
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LICENSE NO: 28133994A)



**RECOMMENDED FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT,
CONCLUSION OF LAW, AND ORDER**

Kim Cooper, M.S.N, R.N., Beth De Koninck, D.N.P., F.N.P., R.N., and India Owens, M.S.N, R.N., CEN, NE-BC, FAEN, designated by the Indiana State Board of Nursing (“Board”) pursuant to Ind. Code § 4-21.5-3-9 to act as administrative law judges (“ALJ”), held an administrative hearing on July 19, 2018, in Conference Room B of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning an Administrative Complaint filed against the Indiana nursing license of Theresa J. Tharp, R.N. (“Respondent”) on January 16, 2018.

The State of Indiana (“Petitioner”) was represented by counsel, Deputy Attorney General Ryan P. Eldridge. Respondent failed to appear in person or by counsel.

The Board, after taking official notice of the file in the matter and pursuant to Ind. Code § 4-21.5-3-24, by a vote of 3-0-0 finds Respondent to be in DEFAULT. The Board by a separate vote of 3-0-0 issues the following Recommended Findings of Fact, Ultimate Findings of Fact, Conclusion of Law, and Order.

RECOMMENDED FINDINGS OF FACT

1. Respondent’s address on file with the Indiana State Board of Nursing (“Board”) is 319 South Hunt Street, Greentown, Indiana 46936.
2. Respondent is a Registered Nurse in the State of Indiana having been issued

license number 28133994A on July 5, 1996, by examination.

3. On February 23, 2017, Charles Lindquist ("Complainant"), Program Director of Indiana State Nurses Assistance Program ("ISNAP") filed a consumer complaint against Theresa J. Tharp ("Respondent") for ISNAP closure.

ISNAP Involvement

4. On January 25, 2016, Respondent called to enroll with ISNAP. Respondent was referred by her employer (St. Vincent Hospital Kokomo) for coming into work with a blood alcohol level of .16 on January 22, 2016.

5. Respondent was referred to Sycamore Springs for an assessment.

6. On January 28, 2016, Respondent was diagnosed with an alcohol use disorder-moderate and Respondent engaged in the intense outpatient program ("IOP"). The ISNAP Clinical Team ("CT") reviewed Respondent's assessment and recommended an eighteen-month recovery monitoring agreement ("RMA").

7. On March 10, 2016, Respondent executed a Last Chance Agreement with her employer.

8. On or before August 25, 2016, Respondent submitted to a urine drug screen ("UDS"). The result was considered "dilute".

9. On September 7, 2016, ISNAP deemed Respondent in partial compliance. Respondent was missing her May and June meeting logs.

10. On October 14, 2016, Respondent's UDS was positive for alcohol at 108 mg/dl. Respondent was warned about the use of over-the-counter cough syrups while in monitoring.

11. On December 1, 2016, ISNAP deemed Respondent in significant non-compliance. Respondent was missing her July, August, and September meeting logs and her sponsor's report. The Clinical Team extended Respondent's RMA for three months, and warned that any further

non-compliance would result in case closure.

12. On January 27, 2017, Respondent smelled of alcohol at work. She was terminated by her employer after a breathalyzer and blood test came back positive for alcohol. Results of breathalyzer were 0.05 and Respondent's blood alcohol level was 76.

13. On February 6, 2017, Respondent informed ISNAP that she was "leaving nursing" and would be discontinuing monitoring.

14. On February 10, 2017, ISNAP contacted Respondent's Worksite Monitor ("WSM") regarding Respondent's employment status.

15. On February 13, 2017, ISNAP was informed that Respondent was no longer employed at St. Vincent.

16. On February 23, 2017, an ISNAP closure memo was emailed to the OAG.

17. Respondent's Registered Nurse license expired on November 1, 2017.

RECOMMENDED ULTIMATE FINDINGS OF FACT

18. By a vote of 3-0-0, the Board finds that with Respondent's alcohol use disorder-moderate diagnosis and her continuous appearances at work under the influence of alcohol, Respondent had continued to practice although she had become unfit to practice due to an addiction to, abuse of, or severe dependence upon alcohol or other drugs that endanger the public by impairing her ability to practice safely, and her license is subjected to discipline pursuant to Ind. Code § 25-1-9-4(a)(4)(D).

19. By a vote of 3-0-0, the Board finds that with Respondent's failure to comply with the requirements of the ISNAP program such that she was terminated from that program, Respondent violated 848 IAC 7-1-7(1), and is subjected to discipline pursuant to Ind. Code § 25-1-9-4(a)(3).

RECOMMENDED CONCLUSION OF LAW

20. Respondent's violations of Ind. Code § 25-1-9-4 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 (\$1000.00) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Recommended Findings of Fact, Ultimate Findings of Fact, and Conclusion of Law, the Board issues the following Order:

1. Respondent's Indiana nursing license is **SUSPENDED** for a period of not less than two (2) years.
2. Prior to petitioning for reinstatement, Respondent shall obtain an evaluation from ISNAP and sign a Recovery Monitoring Agreement.

SO ORDERED, this 12th day of September, 2018.

INDIANA STATE BOARD OF NURSING

By: Maureen Bennett
for Kim Cooper, R.N.
Board President
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, Ultimate Findings of Fact, Conclusion of Law, and Order" has been duly served upon:

Theresa J. Tharp
319 South Hunt St.
Greentown, IN 46936
Service by U.S. Mail

Ryan P. Eldridge
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Ryan.Eldridge@atg.in.gov
Service by Email

9.12.2018

Date



Lisa Chapman, Litigation Coordinator

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
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Phone: 317-234-2043
Fax: 317-233-4236
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