

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO.: 96 NB 073

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
BARBARA JEAN THIBODEAU, L.P.N.)
License number 27019254,)
)
Respondent.)

FILED
APR 15 1997
HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board") met on March 20, 1997, in Rooms 4 and 5 of the Conference Center, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider a settlement proposal concerning a Complaint filed by the State against the nursing license of Barbara Jean Thibodeau, L.P.N. ("Respondent") on March 5, 1997. The settlement proposal resulted from a settlement conference held on March 20, 1997.

The State of Indiana was represented by Andrew S. Peacock, Deputy Attorney General. The Respondent was present and was represented by Matthew F. Purol, attorney at law of Indianapolis, Indiana.

Celinda Kay Leach, R.N., and Marsha King, R.N., presided over the settlement conference and recommended that the Board adopt the settlement proposal as the final order of the Board. Ms. Leach and Ms. King abstained from voting on this matter due to their participation in the settlement conference.

The Board, after taking official notice of its file in this matter and considering the settlement proposal, by a vote of 6-0-2, issues the following Findings of Fact:

FINDINGS OF FACT

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Indiana State Board of Nursing ("Board") pursuant to Ind. Code 25-1-7-1 *et seq.*

2. The Board is charged with the duty and responsibility of regulating the practice of nursing in the State of Indiana pursuant to Ind. Code 25-23-1-7.

3. The Board is empowered to hold this disciplinary hearing pursuant to the authority of Ind. Code 25-1-9-4 and Ind. Code 4-21.5-3 *et seq.*

4. Respondent resides at 677 Woodruff Place East, Indianapolis, Indiana 46201.

5. Respondent is a licensed practical nurse in the State of Indiana holding license number 27019254.

6. Respondent has a history of cocaine and opiate dependency which led to a 30-day treatment during July 1986 at Fairbanks Hospital in Indianapolis, Indiana.

7. Respondent worked as a nurse at Vencor Hospital ("the hospital"), 1700 West 10th Street, Indianapolis, Indiana during November 1996.

8. On November 11, 1996 a Vencor staff nurse told the hospital's Director of Nursing, Michelle Snider, that hospital records showed that patients had been receiving large amounts of Percocet (oxycodone, a schedule II controlled substance). Ms. Snider investigated the allegation and discovered Respondent had an unusual pattern of medication administration. Specifically, Respondent signed out medications for patients who had not requested pain medication. Respondent also failed to administer the medication she signed out.

9. On November 13, 1996 Ms. Snider and Detective Irene J. Conder of the Indianapolis Police Department confronted Respondent about her administration of Percocet to three patients.

10. Respondent admitted she diverted the Percocet from the hospital for her own use and used it while on duty at the hospital. Respondent stated that she had a cocaine dependency problem several years ago.

11. Det. Conder helped admit Respondent to St. Vincent's Stress Center on November 13, 1996 as an alternative to going to jail.

12. On November 14, 1996 Dr. Thomas Hoshour, of the St. Vincent Stress Center's Chemical Dependency Unit, interviewed Respondent. Respondent told Dr. Hoshour that she was taking a half tablet of Percocet in the morning and the other half in the afternoon. Respondent did not follow essential recovery program principles.

13. The Board suspended Respondent's license on December 3, 1996 because of her abuse of a controlled substance. Respondent's license remains suspended on an emergency basis.

14. Respondent completed an inpatient detoxification program from November 13-15, 1996, at St. Vincent's Stress Center, Indianapolis, Indiana.

15. Respondent completed a chemical dependency relapse partial hospitalization program from November 16 through December 3, 1996. This program was also at St. Vincent's Stress Center.

16. Respondent is involved in a program of recovery. She attends nurse support group weekly. She also attends three to four AA/NA meetings weekly.

17. Respondent submitted to an addictionology examination which was performed by D. Kete Cockrell, M.D. The report concerning this examination recommends that Respondent refrain from the practice of nursing for one year.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct constitutes continuing to practice although unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing one's ability to practice safely in violation of Ind. Code 25-1-9-4(a)(4)(D); diversion of a legend drug in violation of Ind. Code 25-1-9-4(a)(8)(A) and diverting a legend drug in violation of Ind. Code 25-1-9-4(a)(8).

2. The above violations warrant the imposition of disciplinary sanctions on Respondent's Indiana nursing license.

ORDER


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

1. The Respondent's nursing license is **SUSPENDED INDEFINITELY**. The Respondent may not apply for reinstatement of her nursing license until November 13, 1997.
2. The Respondent shall surrender her pocket license and wall certificate to the Board within seven days of receipt of this Order.
3. As a condition precedent to reinstatement of her license, Respondent shall undergo a repeat addictionology examination performed by Dr. Cockrell. Respondent shall attach Dr. Cockrell's examination report to her Petition for Reinstatement.

SO ORDERED, this 15th day of April, 1997.

INDIANA STATE BOARD OF NURSING

By:


Laura Langford
Executive Director
Health Professions Bureau

copies to:

Barbara Jean Thibodeau, L.P.N.
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