

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2017 NB 0200

IN THE MATTER OF THE LICENSE OF:)
)
LISA TOMLINSON, R.N.,)
)
LICENSE NO.: 28145918A)



FINAL ORDER

Mary Rock, 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 February 7, 2019 concerning Lisa Tomlinson’s Petition to Withdraw Probation from her 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 April 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The probation on Tomlinson’s license is **WITHDRAWN**.

ISSUED this 18th day of April, 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:

Lisa Tomlinson
3214 Wakashan Place
Fort Wayne, IN 46815
Service by U.S. Mail

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

4-19-2016

Date

Lisa Chapman

Lisa Chapman, Litigation Coordinator

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
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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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BOARD OF NURSING
CAUSE NUMBER: 2017 NB 0200

IN THE MATTER OF THE LICENSE OF:)
LISA TOMLINSON, R.N.,)
LICENSE NO.: 28145918A)



RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Mary Rock, R.N., 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 February 7, 2019, in Conference Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Lisa Tomlinson’s Petition to Withdraw Probation from her license as a nurse.

Tomlinson appeared in person and waived her right to counsel. Melinda Pickett 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. Tomlinson, whose mailing address is 3214 Wakashan Place, Fort Wayne, Indiana 46815 is a registered nurse with license number 28145918A.
2. Tomlinson received timely and proper notice of the date, time, and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code ch. 4-21.5-3.

4. The Board placed Tomlinson's license on probation in November 2017 due to her improper handling of narcotic medications.
5. In December 2018 Tomlinson requested that the probation be withdrawn from her license.
6. At the hearing on withdrawal of probation, Tomlinson presented evidence that she had complied with the terms of her probation which included completing a twelve-month recovery monitoring agreement, and submitting a signed order from her employers as well as quarterly reports. Tomlinson testified that she continues to practice as a psychiatric nurse and reports no problems at her workplace. She is now diligent about following proper procedures for the handling of narcotic medications.
7. The deficiency that led to the probation on Tomlinson's license involved the mishandling of narcotic medication. Tomlinson's compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

RECOMMENDED CONCLUSIONS OF LAW

1. "The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied." Ind. Code § 25-1-9-16(d).

2. Tomlinson's compliance with her 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 Tomlinson's license.

SO ORDERED, this 29th day of March, 2019.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

for By: Maureen Bennett
Mary Rock, 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 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.

CERTIFICATE OF SERVICE

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

Lisa Tomlinson
3214 Wakashan Place
Fort Wayne, IN 46815
Service by U.S. Mail

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

March 28, 2019
Date



Lisa Chapman, Litigation Coordinator

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