

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO. 99NB 034

STATE OF INDIANA)
)
Petitioner,)
)
)
v.)
)
KIMBERLY VESEY, L.P.N.,)
License No. 27037917,)
)
Respondent.)
)

FILED

AUG 23 1999

HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Indiana Attorney General, Jeffrey A. Modisett, and by Deputy Attorney General, Cassandra Ashley-Jordan, pursuant to Indiana Code §25-1-7-7(a), files its Complaint against Kimberly Vesey, L.P.N., (Respondent"), and in support alleges:

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 Indiana Code §25-1-7 *et. seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of nursing pursuant to Indiana Code §25-23-1-7.
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of Indiana Code §25-1-9-4 and Indiana Code §4-21.5-3 *et. seq.*
4. The Office of the Attorney General, Division of Consumer Protection, received a written and signed consumer complaint on this matter on April 9, 1998. The Division of Consumer

Protection conducted a preliminary investigation as to the merits of the complaint, pursuant to Indiana Code § 25-1-7-5(1), and submitted this matter to the Board on May 22, 1998.

5. The Board did not notify the Division of Consumer Protection that it intended to informally resolve this matter within 30 days. A report was made to the Attorney General by the Director of the Division of Consumer protection recommending that charges be brought against the Respondent's license on May 27, 1998, pursuant to Indiana Code § 25-1-7-7.

6. Respondent resides at P.O. Box 11, Roachdale, IN 46172.

COUNT I

7. On or about January 21, 1997, Respondent was arrested and charged with operating while intoxicated, a class B felony, under cause number 32D03-9701-CM-000012.

8. On or about March 15, 1999, Respondent plead guilty by agreement and in open court to operation while intoxicated from the consumption of cocaine, a schedule II controlled substance, without prescription of a licensed physician, under cause number 32D03-9701-CM-000012.

9. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(2) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently; and Indiana Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although the practitioner has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely.

COUNT II

10. On or about May 1, 1998, Respondent was arrested and charged with public intoxication, a class B felony, under cause number 32D02 9805-CM-78.

11. On April 19, 1999, Respondent plead guilty by agreement and in open court, to public intoxication.

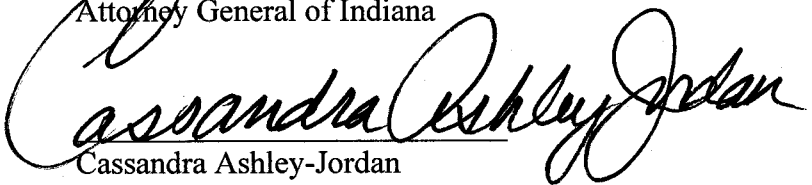
12. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(2) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently; and Indiana Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although the practitioner has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely.

WHEREFORE, Petitioner demands an order against the Respondent, Kimberly Vesey, L.P.N. that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all the cost incurred in the prosecution of this case;
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

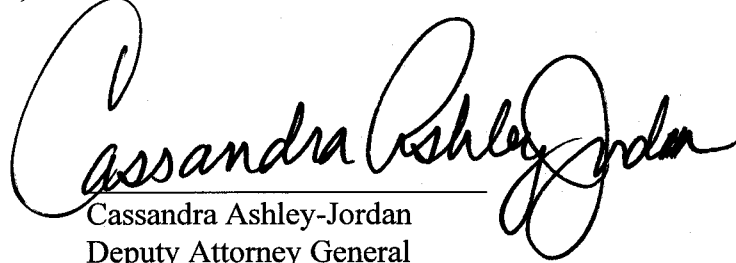
JEFFREY A. MODISSETT
Attorney General of Indiana


Cassandra Ashley-Jordan
Deputy Attorney General
Attorney No. 17677-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the party(ies) listed below, by United States mail, first class postage prepaid, on ____ day of _____, 1999.

John Emry, Esquire
Attorney for Kimberly Vesey, L.P.N.
62 W. Jefferson Street
Franklin, IN 46131


Cassandra Ashley-Jordan
Deputy Attorney General

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