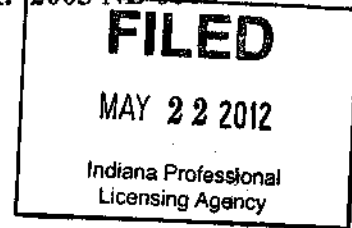


BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2003-NB-0068

IN THE MATTER OF THE LICENSE OF:)
JEROME CERNY, R.N.)
LICENSE NUMBER: 28086391A)



**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER**

Carolyn Slagle, 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 May 3, 2012 in Conference Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Jerome Cerny's request to withdraw the probation from his license as a registered nurse.

Cerny appeared in person and by counsel, Lorie Brown. David Fleischhacker, Deputy Attorney General, 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:

FINDINGS OF FACT

1. Cerny, whose mailing address is 9460 Bella Vista Court, Terre Haute, Indiana 475805, is a registered nurse with license number 28086391A.
2. Cerny 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. As a sex researcher, Cerny had been involved in behavior with subjects that led the Psychology Board to revoke his license as a psychologist in January 2004. The Nursing Board agreed that his behavior as a psychologist was questionable, but his reputation as a nurse was highly regarded and for that reason the Board allowed him to continue practicing nursing with restrictions on his license. In June 2004, the Board placed Cerny's registered nursing license on probation.

5. In February 2012, Cerny requested that the probation be withdrawn from his license.

6. At the hearing on withdrawal of probation, Cerny testified that he has complied with the terms of his probation.

7. He has not worked as a nurse while he has been on probation. Although he took continuing education units for nursing during that time, the last course he took was in 2009. In 2012, however, he completed a nurse refresher course. He also submitted favorable letters of recommendations from other nurses who have worked with him in the past.

8. The deficiency that led to the probation on Cerny's license involved violation of boundary issues with people in his care. Cerny's compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

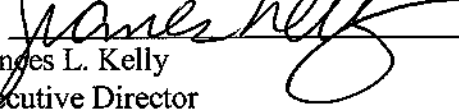
2. Cerny's compliance with his probation along with his taking a refresher course constitutes evidence that the deficiency that required probation has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge recommends the WITHDRAWAL of the probation on Cerny's license.

ISSUED, this 22 day of May, 2012.

ADMINISTRATIVE LAW JUDGE
INDIANA STATE BOARD OF NURSING

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

**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.

Copies to:

Jerome Cerny, R.N.

9460 Bella Vista Court

Terre Haute, IN 47805

CERTIFIED MAIL NUMBER: 91 7190 0005 2720 0019 4708

RETURN RECEIPT REQUESTED

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