

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO.: 97 NB 066

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
WILLIE GORDON JACKSON, JR., R.N.,)
License Number 28129281A,)
)
Respondent.)

FILED
DEC 02 1997
HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Jeffrey A. Modisett, Attorney General of Indiana, by John M. T. Chavis, II, Deputy Attorney General, pursuant to Ind. Code 25-1-7-7(a) files its complaint against Willie Gordon Jackson, Jr., R.N. ("Respondent"), and in support alleges and states:

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 *et seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of nursing pursuant to Ind. Code § 25-23-1-7.
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of Ind. Code § 25-1-9-4 and Ind. Code 4-21.5-3 *et seq.*
4. The Respondent's address is 227 East Main Street, Portland, Indiana 47371.
5. The Respondent is a duly licensed registered nurse in the State of Indiana having been issued license number 28129281A.

COUNT I

6. From October 16, 1995 to July 11, 1997, the Respondent was employed as a nurse with BMH Homecare Inc. ("BMH") located in Muncie, Indiana. The Respondent was employed to provide in-home nursing care to BMH patients, including Patient V.R.

7. On June 17, 1997, the Respondent called Karen Wells, R.N., Director of Nursing Services for BMH, to report his involvement in an unusual occurrence in the patient's home. This unusual occurrence involved the Respondent exposing his penis to Patient V.R. while providing for her care.

8. Pam Foust, caregiver for Patient V.R. witnessed the incident on June 17, 1997.

9. During an interview conducted on June 17, 1997 between Ms. Foust and BMH officials, including Ms. Wells, Ms. Foust explained that she walked into Patient V.R.'s bedroom and saw the Respondent's penis in the hand of Patient V.R. with the Respondent's hand over Patient V.R.'s hand. Ms. Foust further added that the Respondent was suppose to be checking Patient V.R.'s vital signs.

10. Ms. Wells also interviewed Patient V.R. while at her home on June 17, 1997. Patient V.R. indicated that she never attempted to grab the Respondent's penis.

11. On June 17, 1997, Ms. Wells interviewed the Respondent regarding the incident that occurred in Patient V.R.'s home. The Respondent admitted that his pants were unzipped. The Respondent also admitted that he always laid Patient V.R.'s hand across his lap when he took her blood pressure. However, the Respondent denied the allegations that he placed Patient V.R.'s hand on his penis.

12. Based upon her investigation of the incident on June 17, 1997, Ms. Wells determined that the Respondent's conduct violated BMH policy.

13. On June 18, 1997, the Respondent was suspended without pay pending further investigation by BMH. Upon conclusion of its investigation, BMH officials recommended termination of the Respondent's employment. However, on July 11, 1997, the Respondent submitted his letter of resignation before BMH could officially terminate his employment.

14. The Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(5), to wit: a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public.

WHEREFORE, Petitioner demands an order against Respondent, Willie Gordon Jackson, Jr., R.N., that:

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

Respectfully Submitted,

JEFFREY A. MODISSETT
Attorney General of Indiana

By: 

John M. T. Chavis, II
Deputy Attorney General
Attorney No.: 17797-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon counsel for the Respondent listed below, by United States mail, first class postage prepaid, on this 2nd day of December, 1997.

Linda J. Cooley
Krieg Devault Alexander & Capehart
One Indiana Square
Suite 2800
Indianapolis, Indiana 46204-2017

By:



John M. T. Chavis, II
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