

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2015 NB 303

IN THE MATTER OF THE LICENSE RENEWAL APPLICATION OF: )  
 )  
KEVIN HOGARTH, R.N., )  
 )  
LICENSE NUMBER: 28200410A )

**FILED**  
APR 21 2016  
Indiana Professional  
Licensing Agency

DECISION ON APPLICATION FOR RENEWAL OF LICENSE

The Indiana State Board of Nursing (“Board”) requested that Kevin Hogarth (“Applicant”) personally appear before two members of the Board, on October 15, 2015, for the purpose of providing information and answering questions concerning his application to renew his license as a nurse.

At its meeting on November 19, 2015, the full Board, after considering the recommendations of the Board members, the information presented by the Applicant and reviewing its file in this matter voted 4 to 0, to issue the following decision:

FACTS

1. The Applicant, who resides at 2332 East State Road 163, Clinton, Indiana 47842, submitted an application to the Board to renew his license as a nurse.
2. During the application process he revealed that he was charged with Battery by Bodily Fluid in January 2015. The Applicant allegedly spit on someone during an argument at a home improvements store. Although he disputed the merits of the charges, he entered into a prosecutorial deferral program.
3. He will be in the deferral program until November 2015.

4. The Applicant has demonstrated to the Board that he is able to practice competently and safely if he complies with the probationary terms set out below. He agrees to the terms of probation.

### **TERMS AND CONDITIONS**

Based upon the foregoing, the Board renews the license of the Applicant pursuant to Ind. Code § 25-1-5-4(g)(5) as follows:

1. The Applicant's license as a registered nurse is renewed on **INDEFINITE PROBATION**. The Applicant may petition to have the probationary order withdrawn after the completion of his prosecutorial deferral program and an anger management class.

2. The Applicant's practice as a nurse shall be governed by the following

#### **TERMS AND CONDITIONS:**

a) The Applicant must keep the Board apprised of the following information in writing and update it as necessary:

1. The Applicant's current home address, mailing address, e-mail address and residential telephone number.
2. The Applicant's place of employment, employment telephone number, employment e-mail address and name of supervisor.

b) The Applicant shall provide a copy of all Board orders, including this one, imposing discipline or limiting practice to any nursing employer who shall sign and return a copy of such orders to the Board within ten (10) days of employment or receipt of the Order.

c) The Applicant shall cause his nursing employer to submit quarterly reports to the Board indicating his professional competence, sense of responsibility, work habits, mental attitude and ability to work with others. If the Applicant is unemployed as a nurse, he must submit quarterly reports to the Board on his personal circumstances.

d) The Applicant shall comply with his prosecutorial deferral program.

e) The Applicant shall take an anger management class and comply with the lessons learned from that class.

f) The Applicant shall comply with all statutes and rules regulating the practice of nursing and report any future arrests to the Board.

3. The failure of the Applicant to comply with the terms of this decision may subject him to a show cause hearing and the imposition of further sanctions, including emergency suspension of his license.

SO ORDERED, this 21<sup>st</sup> day of April, 2016.

INDIANA STATE BOARD OF NURSING

By: Maurice Bennett

for Natalie Hall, R.N.  
Board President  
Indiana State Board of Nursing

**NOTICE OF RIGHT TO PETITION FOR REVIEW OF THIS DECISION**

You may petition for review of this decision under Ind. Code § 4-21.5-3-7. The petition must be filed with the Indiana State Board of Nursing in writing, identifying the reasons for review and demonstrating that you have been aggrieved or adversely affected by the Board's decision. The petition for review must be filed no later than eighteen days from the issuance of this decision unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day the Indiana Professional Licensing Agency's 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 the Indiana Professional Licensing Agency's offices are closed during regular business hours.

If your petition for review is timely filed and review granted, you will receive notification of an administrative hearing. You or your representative must be present at that hearing. You have the right to be represented by an attorney at your own expense. A deputy attorney general may be present to represent the state of Indiana. As petitioner, you will have the burden of proving that the Board's decision is incorrect.

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**CERTIFICATE OF SERVICE**

I certify that a copy of the "Decision on Application for Renewal of License" has been duly served upon:

Kevin Hogarth  
2332 East State Road 163  
Clinton, IN 47842  
**Service by U.S. Mail**

April 21, 2016  
Date

Lisa Chapman  
Lisa Chapman

Indiana State Board of Nursing  
Indiana Government Center South  
402 West Washington St., Room W072  
Indianapolis, IN 46204  
Phone: 317-234-2043  
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**Explanation of Service Methods**

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.