

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2008 NB 0098

IN THE MATTER OF THE LICENSE OF:)
BARBARA JAMES, R.N.)
LICENSE NUMBER: 28181132A)



FINAL 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 January 5, 2012, concerning Barbara James' request to withdraw the probation from her license as a registered nurse.

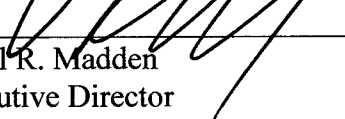
A copy of the ALJ's Recommended Findings of Fact, Conclusions of Law and Order is attached hereto as Exhibit A and made a part hereof.

Pursuant to Ind. Code § 4-21.5-3-29(c) the Board, at its meeting of February 16, 2012, votes 7 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The probation on James' license is **WITHDRAWN**.

ISSUED this 16 day of January, 2013.

INDIANA STATE BOARD OF NURSING

By: 
Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency


CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order" has been duly served upon:

Barbara James
10944 Perry Pear Drive
Zionsville, IN 46077
Service by U. S. Mail

Jason Gross
Deputy Attorney General
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Attorney for the State of Indiana
Service by Email

1.17.13
Date


Signature

Indiana State Board of Nursing
Indiana Government Center South
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Phone: (317) 234-2043
Fax: (317) 233-4236
E-mail: pla2@pla.in.gov

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.

BEFORE THE INDIANA
STATE BOARD OF NURSING
CAUSE NUMBER: 2008 NB 0098

IN THE MATTER OF THE LICENSE OF:

BARBARA JAMES, R.N.

LICENSE NUMBER: 28181132A



**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 January 5, 2012 in Conference Center Room 4 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Barbara James' request to withdraw the probation from her license as a registered nurse.

James appeared in person and waived her right to be represented by counsel. Jason Gross, 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. James, whose mailing address is 10944 Perry Pear Drive, Zionsville, Indiana 46077, is a registered nurse with license number 28181132A.

Exhibit
A

2. James 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 § 4-21.5-3.

4. The Board issued James' license on probation in 2008 because she informed the Board that she was a recovering drug addict who diverted narcotics from a patient in her care in 2007. The incident took place in Tucson and her Arizona license was on probation. James also suffered from bi-polar disorder.

5. In November, 2011, James requested that the probation be withdrawn from her license.

6. At the hearing on withdrawal of probation, James testified that the probation has been withdrawn from her Arizona license. Her recovery was monitored by the authorities in Arizona and she complied with the requirements of that program. She also attends 12 Step meetings twice a week and treats her bi-polar disorder with anti-depressants and therapy.

7. The deficiency that led to the probation on James' license involved substance abuse and out of state discipline. James' compliance with her 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. James' compliance with her probation constitutes evidence that the deficiency that required probation has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on James' license.

SO ORDERED, this 13 day of January, 2012.

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:

Barbara James, R.N.
10944 Perry Pear Drive
Zionsville, IN 46077

CERTIFIED MAIL NUMBER: 91 7190 0005 2720 0015 3309
RETURN RECEIPT REQUESTED

Jason Gross
Deputy Attorney General
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Attorney for the State of Indiana

