

MINUTES OF THE
INDIANA STATE BOARD OF NURSING

on
Thursday, December 14, 2023
at 8:30 a.m.

Indiana Government Center South
Conference Center, Room B
302 W. Washington St.
Indianapolis, IN 46204

Board Members Present:

Kim Cooper, MSN, RN
Jennifer Miller, MSN, RN
Jason King, DNP, RN
Emily Segó, DNP, RN
Nancy Juengst, LPN
Rena Magers, LPN
Jessica Harlan-York, JD

Advisory Counsel:

Donald Hannah
Claire Dyer

PLA Staff:

Nicholas Hart
Toni Herron
Kayla Perkins
Ashlee Gentry
Rebecca Tinsley
Catherine Briney
Dinena Moore

I. Call to Order and Establishment of Quorum

8:30 a.m.

II. Adoption of the Agenda

A motion was made and seconded to adopt the agenda. Segó/Juengst 7-0-0.

III. Adoption of the Minutes

1. Minutes of the ALJ Meeting on December 5, 2023

A motion was made and seconded to adopt the minutes with edits. Magers/Juengst 7-0-0.

2. Minutes of the Meeting on November 16, 2023

A motion was made and seconded to adopt the minutes. King/Harlan-York 7-0-0.

IV. Adoption of ALJ Recommendations

1. Adoption of the ALJ Recommendations of November 2, 2023

A motion was made and seconded to adopt the ALJ recommendations. King/Sego 7-0-0.

2. Adoption of the ALJ Recommendations of November 3, 2023

A motion was made and seconded to adopt the ALJ recommendations. Magers/Cooper 7-0-0.

3. Adoption of the ALJ Recommendations of November 6, 2023

A motion was made and seconded to adopt the ALJ recommendations with discussed edits. Cooper/Sego 7-0-0.

4. Adoption of the ALJ Recommendations of November 16, 2023

A motion was made and seconded to adopt the ALJ recommendations. King/Sego 7-0-0.

5. Carlos Gutierrez Recommendations from December 7, 2023

A motion was made and seconded to adopt the ALJ recommendation. Segó/Juengst 7-0-0.

V. Adoption of Recommended Orders

1. Alisha Morr
2. Anna Bueno
3. Bernie Baker
4. Bethany Lance
5. Christina Ringle
6. Elizabeth Miranda
7. Emily Titus
8. Gloria Sharpe
9. Halie Barnhorst
10. John Nguyai
11. Joshua Azbell
12. Julie Kally
13. Karen Goheen
14. Mesghane Asgedom (Ghirmai)
15. Jana Wolf
16. Eric Vanderhoof
17. Jason Delagrangé
18. Kathryn Koppenhofer
19. Kimberly Hill
20. Kristopher Shipman
21. Kyle Newhard
22. Laruen Ferguson
23. Lisha Pettyjohn
24. Matthew Moss
25. Rhonda Davis
26. Sherry Sumwalt
27. Susan Terry
28. Taylor Drzewiecki

29. Teena Lavoie
30. Tiffany Moore
31. Vivian Perez (with objection)
32. John Gross

A motion was made and seconded to adopt recommended order 1. Segó/King 7-0-0.
A motion was made and seconded to adopt recommended orders 2-8. Harlan-York/Cooper 7-0-0.
A motion was made and seconded to adopt recommended order 9. Harlan-York/Magers 7-0-0.
A motion was made and seconded to adopt recommended orders 10-15 Harlan-York/Segó 7-0-0.
A motion was made and seconded to adopt recommended order 16. King/Cooper 7-0-0.
A motion was made and seconded to adopt recommended order 17. Harlan-York/Cooper 7-0-0.
A motion was made and seconded to adopt recommended orders 18-21. Cooper/Harlan-York 7-0-0.
A motion was made and seconded to adopt recommended orders 22 & 23. Harlan-York/Magers 7-0-0.
A motion was made and seconded to adopt recommended order 24. Segó/King 6-1-0.
A motion was made and seconded to adopt recommended orders 25-28. King/Miller 7-0-0.
A motion was made and seconded to adopt recommended order 29. Harlan-York/Segó 7-0-0.
A motion was made and seconded to adopt recommended order 30. King/Magers 7-0-0.
A motion was made and seconded to adopt recommended order 31. Miller/King 7-0-0.
A motion was made and seconded to adopt recommended order 32. King/Magers 7-0-0.

VI. Education

1. University of Evansville site visit report Intent to Open Accelerated BSN – Jerrilee LaMar PhD, RN

Dr. Jerrilee LaMar appeared on behalf of the program. Education Compliance Officer Toni Herron explained that the University of Evansville (UE) was requesting to open an accelerated Bachelor of Science in Nursing track. Ms. Herron Stated that UE currently offers a traditional Bachelor of Science in Nursing degree program with NCLEX pass rates > 90 % for the last five (5) years except for 2021, because of Covid. Ms. Herron stated that healthcare partners approached UE to start the accelerated track. Both major acute care health partners stated the urgent need for nurses. To support the initiation of the program, Deaconess Healthcare has offered joint faculty appointments, space for labs and clinical, creation of a dedicated education unit and scholarships for graduates that agree to work for them for a period of time.

Ms. Herron complimented the program on the extensive research and preparation that has been done to prepare to offer the track. Ms. Herron reminded the Board that the UE had appeared in July 2023 to request the ability to present courses in an asynchronous manner. The Board denied the request as it was specifically prohibited in 848 IAC 1-2- 16 which requires concurrent didactic and clinical experiences. Based on that denial, Dr. LaMar worked with the registrar of UE to modify the summer terms to accommodate the clinical needs of the accelerated students. Admission criteria require previously earned Bachelor of Science degree with overall GPA of 2.5. The program is requesting two (2) cohorts annually of 30 students each.

Board member Ms. Cooper made a motion to approve initial accreditation for the accelerated Bachelor of Science track with two (2) admissions not to exceed 45 per year. She listed the following factors in making the recommendation to approve the request to open:

1. History of the program
2. Quality of the proposal to open
3. Quality of the student and faculty handbooks

4. Support of clinical partners
5. Clinical integration with simulation
6. Stable staffing – no open positions
7. Backup plan in place for joint appointments
8. Adequate financial reserves, space and faculty
9. Communication with ISBN

Board member Jennifer Miller seconded the motion. Motion carried 7-0-0.

2. Caris College site visit report PN program full accreditation – Kathryn Reed, MSN, RN

Kathryn Reed, Michelle Smith, and Bruce Kepley appeared on behalf of the program. Ms. Herron stated that Caris College was a PN program located in Jeffersonville that was appearing to request full accreditation. The first cohort of 5 have tested and passed PN NCLEX. Ms. Herron complimented the program for clear and consistent communication with ISBN when it appeared that their OB sites had been withdrawn. Ms. Reed was very persistent and creative in seeking replacement OB clinical sites and has renewed the affiliation agreement with the original clinical site through 2024. Ms. Herron stated that concerns about adequate faculty had been remedied since qualified faculty applied the week after the site visit and have subsequently been hired. That means five (5) full time and two (2) adjunct faculty are currently on staff. Ms. Herron stated that it was discovered in discussions with students during the site visit that they were being required to clean and stock supplies every Thursday and Friday. Ms. Herron informed the program leadership in the site visit exit interview that this was unacceptable, and the practice had to cease immediately. The program alleviated that issue by hiring a cleaning crew within 2 weeks of the site visit.

Ms. Cooper asked about admission and retention of the first cohort and Ms. Reed was able to recite all numbers and account for those that failed to progress for either personal or academic reasons. The program is requesting admissions of four (4) cohorts of twenty five each (25) four (4) times annually. After discussion, Board member Dr. Emily Segó mad a motion to award full accreditation to the PN program with four (4) cohorts a year for a total of 100 annually but no cohort to exceed thirty (30) students in size. Ms. Cooper seconded the motion and listed the following mitigating factors:

1. Timely resolution to problem areas identified at the site visit
2. Director's exceptional knowledge of students' progression in the program and current status
3. Transparency with the Board and Ms. Herron regarding loss of required clinical sites
4. Resourcefulness in identifying acceptable alternate clinical sites, if required
5. Re-establishment of communication with affected acute care clinical partners
6. Positive response to complaint raised by students and timely resolution of the issue

Motion carried 7-0-0.

3. Manchester University request for substantive change – Samantha Cussen DNP, EdS, RN -
CONTINUED
4. Ivy Tech Community College Evansville construction site visit report – Gail Lindsey MSN, RN

Gail Lindsay and Dr. Kimberly Mau appeared on behalf of the program. Ms. Herron stated that the site report form for construction / remodeling visits had been revised to eliminate redundancy and make better use of Board members' time. Ms. Herron stated that ITCC Evansville had remodeled space previously occupied by the business office. The space was remodeled to accommodate the anticipated increase in enrollment and the resulting need for expanded fundamentals lab space. Financial resources were made available by campus and college administration to compete this task. Faculty suggestions/requests were accommodated completely with

the remodel. After discussion, Dr. Sego made a motion to approve immediate occupancy and use of the remodeled space and Board member Angela Morris seconded. Motion carried. 6-0-0 Cooper recuses.

5. Fortis College monthly written report

Ms. Herron stated that the written report was included in the packet for review. Ms. Herron asked the Board to review the written report carefully, as there were several concerning items noted. Among them was a notation in the faculty meeting minutes which seemed to indicate that students were being allowed to select their own preceptors at the clinical site, which is in violation of 848 IAC 1-2-12 Faculty which lists requirements for preceptors. Ms. Herron reminded the Board that Fortis would appear in person at the January 18, 2024, meeting to discuss NCLEX results for 2023 that would be available at that time. She also stated that the standard deviation calculation from NCSBN, required by statute to assess a program's success, will not be available until February 14, 2024. Ms. Cooper made a motion to acknowledge receipt of the report and Dr. Sego seconded. Motion carried 7-0-0.

6. FYI Only –

- i. Vincennes University Jasper announces the resignation of Cassie Flock DNP, RN effective 1/5/2024 and the appointment of Kellie Schroering RN, MSN as Interim PN Chair and Melissa Belcher RN, MSN Interim ASN Chair (CVs attached).

Ms. Cooper noted that experience in administration was not listed in the CV for Ms. Belcher. Ms. Cooper stated that as noted in 848 IAC 1-2-13 Faculty qualification; registered nurse programs. The director shall have experience in the following: (1) The practice of nursing. (2) Nursing education. (3) Administration. Ms. Cooper made a motion to contact Vincennes University Jasper and ask for further clarification about Ms. Belcher's experience. Ms. Herron stated she would send the request to Jasper administration for clarification. Board member Dr. Jason King seconded. Motion carried 7-0-0.

VII. Discussion Items

1. OAG Report

Paul Schilling, Section Chief of the Medicaid Fraud Control Unit, delivered the report.

2. Director's Report

- i. Rule Subcommittee
- ii. SANE Rule – CONTINUED
- iii. Board Elections (President, Vice President, and Secretary)

Nicholas Hart, ISBN Director, delivered the report.

3. ISNAP Report

Tracy Traut, ISNAP Program Director, delivered the report.

4. ISNA Report

Katie Feley, ISNA CEO, delivered the report.

VIII. Proposed Settlement Agreements

1. Gena Thompson

2. Susanne Lange
3. Aron Schuster
4. Laura McCord
5. Travis Tucker
6. Shelley Clayton
7. Colleen Mack
8. Lorie Rubino
9. Cynthia Evans
10. Gary Smith
11. Jessica Thornton

A motion was made and seconded to approve settlement agreements 1-4. King/Sego 7-0-0.

A motion was made and seconded to approve settlement agreement 5. King/Sego 7-0-0.

A motion was made and seconded to approve settlement agreements 6-8. King/Cooper 7-0-0.

A motion was made and seconded to deny settlement agreement 9. King/Cooper 7-0-0.

A motion was made and seconded to approve settlement agreement 10. King/Magers 7-0-0.

A motion was made and seconded to approve settlement agreement 11. King/Harlan-York 7-0-0.

IX. Motions to Dismiss

1. In the Matter of the License of Angela Boyd, 28120605A
Administrative Cause No. 2022 NB 0031

A motion was made and seconded to grant the motion to dismiss. King/Cooper 7-0-0.

X. Petitions for Summary Suspension

1. In the Matter of the License of Samantha Marley, 27066600A
Administrative Cause No. 2023 NB 0216
DAG: AJ Holbrook
Respondent: Failed to appear
Witness(es): Abigail Rosa with ISNAP
Exhibit(s): State's Exhibit A (Respondent's 2021 Board Order), State's Exhibit B (Respondent's RMA), State's Exhibit C (2021 UDS results), State's Exhibit D (IPRP OTSC), State's Exhibit E (2023 IPRP Notes), State's Exhibit F (2023 UDS results)

A motion was made and seconded to summarily suspend Respondent's license for 90 days. King/Cooper 7-0-0.

XI. Summary Suspension Renewals

1. In the Matter of the License of Stacy Abell, 28195783A
Administrative Cause No. 2019 NB 0335
DAG: Gavin Hunter
Respondent: failed to appear
Witness(es):
Exhibit(s):

A motion was made and seconded to vacate the summary suspension hearing against Respondent's license. King/Magers 5-0-0.

2. In the Matter of the License of Tracy Bowers, 28123007A

Administrative Cause No. 2023 NB 0141
DAG: AJ Holbrook
Respondent: not present.
Witness(es):
Exhibit(s):

A motion was made and seconded to accept the voluntary suspension agreement and renew the suspension for 90 days. Harlan-York/Juengst 5-0-0.

3. In the Matter of the License of Clinton Cutler, 28271808SA
Administrative Cause No. 2023 NB 0125
DAG: Rebekah Hammond
Respondent: Failed to appear
Witness(es): Brittany Sholtis with ISNAP
Exhibit(s): State's Exhibit 7 (Chronological Case Summary for Respondent's Criminal Case), State's Exhibit 8 (Order Transferring Cause for Respondent's Criminal Case)

A motion was made and seconded to renew the summary suspension for an additional 90 days. King/Harlan-York 5-0-0.

XII. Final Hearings

1. In the Matter of the License of Laura McCord, 28123007A-CONTINUED/PSA
Administrative Cause No. 2022 NB 0028
2. In the Matter of the License of Susanne Lange, 28180637A/C-CONTINUED/PSA
Administrative Cause No. 2022 NB 0033
3. In the Matter of the License of Crystal Reed, 28180543A-CONTINUED
Administrative Cause No. 2022 NB 0050
4. In the Matter of the License of Lorie Rubino, 27064829A – CONTINUED/PSA
Administrative Cause No. 2022 NB 0013
5. In the Matter of the License of Cynthia Evans, 28217630A – CONTINUED/PSA
Administrative Cause No. 2021 NB 0229
6. In the Matter of the License of Cynthia Neiman-Moody, 27067328A
Administrative Cause No. 2022 NB 0043
DAG: Rebekah Hammond
Respondent: Failed to appear
Witness(es):
Exhibit(s):

A motion was made and seconded to issue a notice of proposed default for Respondent's failure to appear. King/Juengst 6-0-0.

XIII. Post- Discipline Hearings

Probation Withdrawal

1. In the Matter of the License of Tequila Pearson, 27075809A
Administrative Cause No. 2021 NB 0005

DAG: none

Respondent: present and comfortable proceeding without counsel

Exhibits: None

Witness(es): Respondent, Cara Kelly with ISNAP, Nicholas Hart with ISBN

A motion was made and seconded to withdraw probation. Mitigating factors: abundant transparency, fact that she has completed all requirements but for payment of fees, delay in payment is life status change in relationship (getting out of abusive relationship). King/Harlan-York 7-0-0 to withdraw.

2. In the Matter of the License of Erica Raber, 28205009A

Administrative Cause No. 2019 NB 0178

DAG: None

Respondent: present and comfortable proceeding without counsel

Exhibit(s): None

Witness(es): Respondent, Cara Kelly with ISNAP, Nicholas Hart with ISBN

A motion was made and seconded to withdraw probation. Cooper/Sego 7-0-0.

3. In the Matter of the License of Katie Hoover, 28218612A

Administrative Cause No. 2020 NB 0033

DAG: None

Respondent: present and comfortable proceeding without counsel

Exhibit(s): None

Witness(es): Respondent, Abigail Rosa with ISNAP, Nicholas Hart with ISBN

A motion was made and seconded to withdraw probation from Respondent's license. King/Magers 6-0-0.

4. In the Matter of the License of Kayla Kohlman, 28233143A

Administrative Cause No. 2022 NB 0001

DAG: None

Respondent: Present and comfortable proceeding without counsel

Exhibit(s): None

Witness(es): Respondent, Nicholas Hart with ISBN

A motion was made and seconded to withdraw probation from Respondent's license. Harlan-York/Sego 6-0-0.

A motion was made and seconded to allow a physician witness to appear telephonically at any resulting default hearing. Sego/Magers 6-0-0.

Reinstatement

1. In the Matter of the License of Jameka Kennedy, 28219189A

Administrative Cause No. 2016 NB 0252

DAG: Jake ___

Respondent: Failed to appear

Exhibit(s): None

Witness(es): None

A motion was made and seconded to issue a notice of proposed dismissal for Respondent's failure to appear. King/Magers 6-0-0.

2. In the Matter of the License of Rudra Komarraju, 28207964A
Administrative Cause No. 2014 NB 0163
DAG: Gavin Hunter
Respondent: Present and comfortable proceeding without counsel
Exhibit(s): Respondent's Exhibits 1-8
Witness(es): Respondent, Nicholas Hart with ISBN

A motion was made and seconded to set aside the notice of proposed dismissal. Seago/Magers 6-0-0.
A motion was made and seconded to reinstate on probation for no less than 6 months with active practice, pay the fee leftover from his suspension order, signed board orders, quarterly reports, reporting requirements, keep board apprised of his information. Miller/Magers 6-0-0.

XIV. Default Hearings

1. In the Matter of the License of Milton Rutan, 27042873A
Administrative Cause No. 2023 NB 0018
DAG: Ryan Eldridge
Respondent: Failed to appear
Exhibit(s): State's Exhibits A-F, State's Exhibit G, State's Exhibit H, State's Exhibit I, J, K, L, M, N
Witness(es): Lauren Judd, Investigator with OAG

A motion was made and seconded to hold Respondent in default. Magers/King 6-0-0.
A motion was made and seconded to revoke Respondent's license and \$5 health records fee. Harlan-York/Seago 6-0-0.

2. In the Matter of the License of Warren Frazier, 28135743A
Administrative Cause No. 2022 NB 0117 (with Response to NOPD)
DAG: Alex James
Respondent: Not present
Exhibit(s): None
Witness(es): None

A motion was made and seconded to set aside the notice of proposed default. King/Seago 6-0-0.

3. In the Matter of the License of Kevin Farley, 28218019A
Administrative Cause No. 2022 NB 0047
DAG: Whitney Cooper
Respondent: Failed to appear
Exhibit(s): State's Exhibits 1-5, State's Exhibit 1 (Employment records from Aspen Trace), State's Exhibit 2 (Criminal Records for Respondent), State's Exhibit 3 (Employment records from Franciscan), State's Exhibit 4 (PLA Documents for Respondent), State's Exhibit 5 (ISNAP Records from Respondent)
Witness(es): None

A motion was made and second to hold Respondent in default. Magers/Juengst 6-0-0.
A motion was made and seconded revoke Respondent's license and \$5 health records fee. Harlan-York/Seago 6-0-0.

4. In the Matter of the License of Linda Cundiff, 27031532A

Administrative Cause No. 2022 NB 0064

DAG: Autumn Murphy

Respondent: Failed to appear

Exhibit(s): State's Exhibit 1 (Consumer Complaint filed against Respondent), State's Exhibit 2 (Employment Records for Respondent, including investigation/incident documentation), State's Exhibit 3 (Criminal Records for Respondent)

Witness(es): Tracy Traut with ISNAP; Brittany Ulrey, Investigator with OAG; and Nicholas Hart with ISBN.

A motion was made and seconded to hold Respondent in default. King/Harlan-York 6-0-0.

A motion was made and seconded to suspend Respondent's license for a minimum of 1 year, with the requirement that she engage in ISNAP RMA and demonstrate a year of compliance in RMA, \$5 health records fee, \$1,000 fee for renewal fraud, cost of proceedings. King/Sego 6-0-0.

5. In the Matter of the License of Jeanne Sims, 28108844A

Administrative Cause No. 2022 NB 0073

DAG: Sha'na Terry

Respondent: Failed to appear

Exhibit(s): State's Exhibit A-D

Witness(es): None

A motion was made and seconded to hold Respondent in default. Magers/Sego 6-0-0.

A motion was made and seconded to suspend Respondent's license for a minimum of 1 year, with the requirement that she engage in ISNAP RMA and demonstrate a year of compliance in RMA, \$5 health records fee. Miller/King 6-0-0.

XV. Pre-Hearing Settlement Conference (conducted by Emily Segó)

1. In the Matter of the License of Connie Sneed, 27035833A

Administrative Cause No. 2021 NB 0047

XVI. Adjournment

Upcoming Board Meetings:

<u>Date</u>	<u>ALJ/Full</u>	<u>Location</u>
January 4, 2024	ALJ	Virtual
January 18, 2024	Full	Conference Room B

