

INDIANA STATE BOARD OF NURSING

INDIANA GOVERNMENT CONFERENCE CENTER
ROOM C
302 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204

MINUTES OF AUGUST 8, 2002

Marsha M. King, R.N., President, called the meeting to order at 8:30 a.m. and declared a quorum in accordance with IC 25-23-1-5 for RN business. There was not a quorum for LPN business.

Members Present: Marsha M. King, R.N., President
Laurie Peters, R.N., Vice President
Maurene Thomas, R.N., Member
Mervin Helmuth, R.N., Member
Carolyn Slagle, RN, CNS, Member
Traci Little, Consumer Member

Members Absent: Janis Shook, L.P.N., Member
Darla Jones, L.P.N., Secretary

Staff Present: Kristen Kelley, Board Director
Health Professions Bureau
Cara Snyder, Case Manager
Health Professions Bureau
Gordon White, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

King/Thomas, 6/0/0

The Board voted to accept the minutes of the July 18, 2002 meeting as corrected.

Peters/Thomas, 6/0/0

INDIANA STATE NURSES ASSISTANCE PROGRAM

Tom Bissonette, Program Director of the Indiana State Nurses Assistance Program (ISNAP) was present. Tom reported to the Board that 230 nurses are being actively monitored by ISNAP, with an additional 43 in the intake process. Tom notified the Board that Dr. Chuck Gehrke, Medical Director for ISNAP has retired and Dr. Bobbe

Kelley is filling in on an interim basis. They are actively pursuing someone for this position.

The ISNAP participant satisfaction survey was mailed out and hopefully Tom will have the results to share with the Board at the end of October 2002. The Board audit is also scheduled for late October 2002.

Tom gave the Board a copy of their educational packet. They also have an educational video.

Tom addressed the students in the audience regarding the program and handed out literature on ISNAP.

DISCUSSION

Multi-State Licensure Rules – Update from Subcommittee – Traci Little gave the Board and update from the meeting held on August 7, 2002. The next scheduled Committee meeting will be in September 2002.

Correspondence from Dr. Robert Burney, M.D. – RE: Advanced Practice Nurse Prescriptive Authority – Dr. Burney submitted a letter to the Board requesting that a Nurse Practitioner who has a license as a RN in Indiana, receive prescriptive authority although she practiced for the military and her office address is in Washington DC. The Board indicated, after reviewing his letter, that they cannot approve this waiver, as the controlled substance laws require an Indiana practice address.

EDUCATION

Ivy Tech State College Sellersburg – Plan of Correction – The Board reviewed Ivy Tech's plan of correction concerning their pass/fail rates. Ms. Peters indicated that she thought it was a solid plan. The school has just had a survey and did not have any unmet. The Board approved their correction plan as submitted.

Thomas/Helmuth, 6/0/0

Ball State University – Revised Course Descriptions for BSN Program – FYI, this is not something the Board needs to approve.

Ivy Tech State College Valparaiso – Personal Appearance regarding a Letter of Concern – Sybil Forsythe, Debbie Halik and Ruth Johnson appeared before the Board regarding the letter of concern that was submitted by a former employee of the program, Ruth Johnson. Ms. Forsythe brought a summary of their comments to present to the Board. The allegations indicated that this program altered some of the student's test grades. Ms. Forsythe stated that they changed some of the grades but did not tamper them. They did this to save the integrity of the program. There were numerous complaints regarding Ms.

Johnson, including her examinations. She indicated that this all has a long history and would be difficult to comment on everything that has caused this.

Ms. Forsythe stated that the directors had big concerns because the student's grades were really going down for this particular class and that specifically, Test 2 which was administered by Ms. Johnson was very questionable. No one had analyzed Ms. Johnson's tests prior to this occasion. 21 of the students failed and 28 passed Test 2. It was found that 90% of those that passed were in Ms. Johnson's clinicals. It was alleged that they were given or taught specific information on the test that the other students were not. It was suggested that another examination be given in place of this examination (Test 2) and the students that passed were very upset by this so Ms. Forsythe to throw out Test 2 and average the other tests.

When the Board asked Ms. Johnson if she had anything to add, she stated that she has been advised by her attorneys not to do any talking as there are pending lawsuits. Ms. Peters asked Ms. Johnson whether it concerned her that so many people failed the examination and she did not respond. Ms. Johnson did state that these were not new tests, they had been used before and she also uses a test bank to obtain questions.

Ms. Forsythe did indicate that Ms. Johnson can be the most fantastic teacher when she wants to be. But when she doesn't want to be she is one of the worst. She has witnessed her sitting in the front of a class, behind a podium, reading straight from a textbook. Ms. Forsythe had been sitting in and monitoring her class since April 2001 and had given her a plan of correction, which is located in the packet.

During the board meeting, it was also revealed that Ivy Tech did change grades for Test 1, 3 & 4. On the final examination, only 2 people failed. No one failed the course. Those students have just graduated and will be taking NCLEX soon.

Merv Helmuth stated that he understood why this program had done this and it is difficult to flunk a whole class but didn't think that this was the right way to handle this situation. They are compromising the integrity of the program and could be passing students that were not capable of passing. After discussion, the Board decided that they would like a list of all the students that were in this class. We will monitor their pass rate for this particular class and will discuss this issue again once we have the first time pass rates.

PERSONAL APPEARANCES

EXAMINATION APPLICATIONS

Gregory Bennett – Did not show up for his scheduled appearance.

Brandi Browning – Ms. Browning sent the Board a letter stating that she would not be able to appear due to being recently hospitalized.

ENDORSEMENT APPLICANT

Joy Harriet Ayeni, R.N. – Did not show up for her scheduled appearance.

RENEWAL APPLICANT

Nikki Pavlides, R.N., License No. 28069781A – Did not show up for her scheduled appearance.

HEARINGS

The following hearings were continued.

Laura Elizabeth Stewart, RN, License No. 28124323, Cause No. 2002 NB 065
Victoria Creighton Simonsen, RN, License No. 28138495, Cause No. 97 NB 020
Shannon Lynn Hall, LPN, License No. 27036191, Cause No. 2002 NB 069
Amy Christine Hughes, RN, License No. 28133771, Cause No. 2002 NB 066
Phyllis Kay Woolsey, LPN, License No. 27046947, Cause No. 2002 NB 058
Kimberly Sue Crady, LPN, License No. 27040208, Cause No. 2002 NB 060
Chris Mills Wilson, RN, LPN, License No. 28140424 & 27034913, Cause No. 2002 NB 050

Laura L. Forrester, LPN, License No. 27026166, Cause No. 2002 NB 029

Respondent did appear in person and was represented by Mike McMains regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Sheila O'Bryan McGrath, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A CNA reported that she saw the Respondent backhand a patient. Respondent denied that she backhanded the patient, but did admit to hitting her on the arm. Respondent indicated that the patient was combative to other patients. Respondent was terminated due to this incident. There was no injury to the patient. Both parties agreed to a written reprimand. Since there was not a quorum for LPN business this matter will be placed back on next month's agenda.

Cheryl Renee Beaver, RN, License No. 28125454, Cause No. 2002 NB 037

Respondent did not appear in person and was not represented by counsel regarding a Petition for Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter, the Board voted to CONTINUE the SUMMARY SUSPENSION until September 2002.

King/Thomas, 6/0/0

Let the record reflect that Darla Jones, LPN, Secretary, participated in all the following LPN hearings by telephone.

Marella Sue Enyeart, LPN, License No. 27044425, License No. 2001 NB 072

Respondent did not appear in person and was represented by Jennifer Conley regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent recently completed sixteen (16) months of criminal probation for possession of marijuana. While on probation she had random drug screens. All were negative except for Claritin, which she takes for allergies. Respondent had a report from an addictionologist who stated that she does not appear to have a substance abuse problem. She is currently a stay at home Mom and lives with her Mother. After having considered the evidence presented and taking official notice of its file in this matter, the Board voted to place the Respondent's license on INDEFINITE PROBATION for a period of three (3) years with terms and conditions. After three (3) years the Respondent may seek reinstatement of her license.

King/Helmuth, 7/0/0

Sondra Sue Walls-Smith, LPN, License No. 27026166, Cause No. 2002 NB 052

Respondent did not appear in person and was not represented by counsel regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent removed a wallet from a Resident's possession and stole his ATM card from the wallet. A videotape from the ATM showed the Respondent withdrawing a cash advance on the Resident's credit card. The Respondent was charged with attempted theft a class D felony and receiving stolen property a class D felony. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to issue a NOTICE OF PROPOSED DEFAULT.

King/Jones, 7/0/0

The Board further moved to EXTEND the SUMMARY SUSPENSION for a period of ninety (90) days.

King/Peters, 7/0/0

Kristin Leigh Branham, LPN, License No. 27042065, Cause No. 2002 NB 068

Respondent did not appear in person and was not represented by counsel regarding a Petition for Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Sheila O'Bryan McGrath, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Tom Bissonette was sworn in as a witness to testify for the State. Mr. Bissonette testified that ISNAP had not designated the Respondent as safe to practice when she returned to work. Mr. Bissonette also testified that the Respondent has not complied with her ISNAP contract. After having

considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

King/Thomas, 7/0/0

Brenda Smith, LPN, License No. 27026516, Cause No. 2002 NB 081

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. In October 2001 the Respondent signed an ISNAP contract. Since then she tested positive for cannabis and other controlled substances. ISNAP has not had any communication with the Respondent since July 27, 2002. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

King/Slagle, 7/0/0

Leatha M. Smith, LPN, License No. 27032800, Cause No. 2002 NB 047

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent failed to comply with her probation requirements. She has not submitted drug screens, supervision reports, or AA/NA meeting documentation since she was put on probation with the Board. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hold the Respondent in DEFAULT.

King/Peters, 7/0/0

After further discussion the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of five (5) years. After five (5) years the Respondent may seek reinstatement of her license.

King/Peters, 7/0/0

Freda Ann Marsh, LPN, License No. 27036630, Cause No. 2002 NB 040

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board and the court reporter sworn in for this matter was Lori Keen. While working at NBA Kennedy Living Center, Respondent was found to have been written up several times for medication errors and failure to follow scheduled policies and procedures on medications. She also had a positive drug screen for barbiturates and benzodiazepines. Respondent self terminated

her position and consulted with ISNAP. A report from ISNAP indicated that she did not appear to have a problem with chemical dependency but that she suffers from severe, long standing and debilitating panic disorder. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hold the Respondent in DEFAULT.

King/Peters, 7/0/0

After further discussion the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of two (2) years and ordered the Respondent to receive an examination from a Board certified addictionologist and a psychiatric evaluation prior to requesting reinstatement.

King/Thomas, 7/0/0

Susan B. Patterson, LPN, License No. 27032226, Cause No. 2001 NB 049

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent has been on probation with the Board since 1995 and has not submitted any drug screens or quarterly reports. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hold the Respondent in DEFAULT.

King/Peters, 7/0/0

After further discussion the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of five (5) years. After five (5) years the Respondent may seek to have her license reinstated.

Peters/Helmuth, 7/0/0

Michael Andrew Baker, LPN, License No. 27039464, Cause No. 2002 NB 059

Respondent did appear in person and was not represented by counsel regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent was arrested in 1997 for dealing narcotics. He pled guilty to possession of narcotics. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to place the Respondent's license on INDEFINITE PROBATION with terms and conditions. After one (1) year the Respondent may seek to have the probation withdrawn.

King/Peters, 6/1/0, with Ms. Slagle opposing

Gabrielle Linn Schmidt, LPN, License No. 27037788, Cause No. 98 NB 072

Respondent appeared in person and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Celia Day was sworn in as a witness to testify for the Respondent. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the request for SUMMARY SUSPENSION as they did not feel that she is an immediate danger to public health and safety.

King/Peters, 7/0/0

Let the record reflect that Darla Jones, LPN, is no longer participating in the meeting.

Sherry Lynn Goodman-Jones, RN, License No. 28129837, Cause No. 2002 NB 024

Respondent did not appear in person and was not represented by counsel regarding a Petition for Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

King/Peters, 6/0/0

Nancy Jean Johnson, RN, License No. 28128296, Cause No. 2002 NB 048

Respondent did not appear in person and was not represented by counsel regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Ms. Johnson submitted to the Board a possible settlement agreement imposing a letter of reprimand and a fine of \$150.00. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the Attorney General's recommendation of a LETTER OF REPRIMAND and a fine of \$150.00.

King/Thomas, 6/0/0

Jennifer Rene Johnson, RN, License No. 28133746, Cause No. 2002 NB 082

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sheila O'Bryan McGrath, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent's file with ISNAP was closed due to non-compliance. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days and ordered the Respondent to receive an examination from a Board certified addictionologist and send a copy of the report to the Board.

King/Thomas, 6/0/0

Susan Kay Romine, RN, License No. 28084334, Cause No. 2002 NB 083

Respondent appeared in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sheila O'Bryan McGrath, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Tom Bissonette was sworn in as a witness for the State. Mr. Bissonette testified that the Respondent's file with ISNAP was closed on August 2, 2002. The Respondent testified that she had been very busy at work which was the reason she had not contacted ISNAP. She also testified that she has an appointment with a Board certified addictionologist on Friday, August 9, 2002. She also received a DUI conviction, which she did not report to ISNAP. Her lawyer advised her not to talk to anyone about the DUI. Her sobriety date was 1999 until this most recent relapse. She indicated to the Board that her relapse was due to stress. She is currently the director of nursing at a facility. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to DENY the request for SUMMARY SUSPENSION as they did not feel that she is an immediate danger to public health and safety.

Peters/King, 5/1/0, with Ms. Thomas opposing

Melissa Ann McKinzie, RN, License No. 28113735, Cause No. 96 NB 062

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sheila O'Bryan McGrath, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent is currently on probation with the Board. In June 2001, the Respondent appeared before the Board for an Order to Show Cause and received a Letter of Reprimand. Respondent was terminated from Windsor Estates one (1) month after her hearing for the Order to Show Cause. She was terminated for diversion. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days and ordered the Respondent to receive an examination from a Board certified addictionologist.

King/Thomas, 6/0/0

Julie Ann Deinnocentes, RN, License No. 28101771, Cause No. 2002 NB 033

Respondent did not appear in person but was represented by counsel, Lisa J. Copp, regarding a Preliminary and Administrative Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Ms. Johnson submitted a proposed agreement between both parties to extend the summary suspension until the criminal matter has been resolved. After having considered the evidence presented and taking

official notice of its file in this matter the Board voted to ACCEPT the agreement and EXTENDED the SUMMARY SUSPENSION pending the outcome of the criminal matter.

King/Peters, 6/0/0

Lisa Suzanne Ferree, RN, LPN, License No. 28149121 & 27036506, Cause No. 2002 NB 011

Respondent appeared in person and was not represented by counsel regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Barbara Emmons was sworn in as a witness to testify for the State and Tim Ferree was sworn in as a witness to testify for the Respondent. Respondent had sexual intercourse with one of her patients. The patient is an eighteen (18) year old with the mental capacity of a fourteen (14) year old. He has hyperventilation syndrome. The patient has had twenty-three (23) surgeries in the past five (5) months. Ms. Emmons, mother of the patient, testified that she walked in on them while the Respondent was laying on top of her son. Her son told his Mother that they had just had sex. She also testified that he no longer trusts his nurses and was withdrawn into his room for several months due to these incidences. Respondent has sent e-mails to the patient stating that she missed him. The patient also said he had engaged in sexual intercourse on a camping trip with the Respondent while Respondent's family and the patient's mother were all with them. The Respondent admitted to having sex with the patient a total of three (3) times. Respondent testified that she realizes now that she crossed a boundary line. She stated that she tried to talk to her employer about moving her to a different assignment but she did not get any support from them. Tim Ferree, Respondent's husband, said that she got so involved because she cares so much. The Respondent saw a psychologist who stated that she does not have a mental problem and she has also been seeing a therapist. The Board believes she is remorseful but that she clearly has some boundary issues. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year. Prior to requesting reinstatement Respondent must receive an evaluation from a Board certified psychologist and send a report to the Board and must also submit evidence that she has been taking some coursework relating to professional boundaries.

Helmuth/Thomas, 4/2/0, with Ms. King and Ms. Peters opposing

Jacqueline J. Reedy, RN, License No. 28098636, Cause No. 2002 NB 054

Respondent appeared in person and was not represented by counsel regarding an Administrative Hearing & Request for Settlement Conference scheduled before the Board. The State of Indiana was represented by Sheila O'Bryan McGrath, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent was terminated from St. Vincent Hospital for spending their money without

approval. She used part of the money to buy items for the Indianapolis Children's Choir and items for their office Christmas party. She did not spend the money on personal item for herself. She has paid back the money and there are no criminal charges pending. The Respondent currently works part-time at Wishard Hospital and full-time at the University of Indianapolis. The Office of the Attorney General and the Respondent agree to a letter of reprimand. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to ACCEPT the recommendation and ISSUE a LETTER OF REPRIMAND.

Helmuth/Thomas, 6/0/0

Kimberly Kay Strange, RN, License No. 28086416, Cause No. 90 NB 010

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent was placed on probation with the Board in 1989 for diversion. She is non-compliant with her terms of probation. After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to hold the Respondent in DEFAULT.

King/Helmuth, 6/0/0

After further discussion, the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) years. After three (3) years the Respondent may seek to have her license reinstated.

Helmuth/Peters, 6/0/0

ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS

Let the record reflect that Darla Jones, L.P.N., Secretary, was on the telephone for the LPN recommendation.

Jolinda Garrison, LPN – moved to accept notice of proposed dismissal

Peters/Slagle, 7/0/0

Diana Barbee, RN – notify both parties that they have an opportunity to submit briefs and reschedule for the September 2002 Board meeting.

Karen Pipes, LPN – notify both parties that they have an opportunity to submit briefs and reschedule for the September 2002 Board meeting.

The Board approved the following ALJ recommendations submitted by Celinda Kay Leach, R.N. from the June 2002 hearings.

Thomas R. Bowen, RN
Vivian Schmitt-Wilson, RN
Tina Ann Leary Brown, RN
Gary D. Bouse, RN
Candie R. Todosijevic, RN
Judith Gretler, RN

APPLICATIONS

ENDORSEMENT APPLICANT

Judy Marie Drilling – RN by endorsement – After reviewing Ms. Drilling’s file the Board approved her for licensure.

There being no further business the meeting adjourned at 5:20 p.m.

Marsha M. King, R.N., President

Darla Jones, L.P.N., Secretary