

INDIANA STATE BOARD OF NURSING

INDIANA GOVERNMENT CONFERENCE CENTER
AUDITORIUM
302 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204

MINUTES OF JUNE 19, 2003

Marsha 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.

Members Present: Marsha King, R.N., President
Laurie Peters, R.N., Vice President
Maurene Thomas, R.N., Member
Janis Shook, L.P.N., Member
Mervin Helmuth, RN, Member
Traci Little, Consumer Member
Carolyn Slagle, R.N., C.N.S., Member
Darla Jones, L.P.N., Secretary

Staff Present: Kristen Kelley, Board Director
Health Professions Bureau
Jody Edens, Assistant Director
Health Professions Bureau
Becky Walker, Deputy Attorney General
Office of the Attorney General

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

Thomas/Jones, 7/0/0

The Board voted to accept the minutes of the May 15, 2003 meeting as amended.

Peters/Thomas, 7/0/0

INDIANA STATE NURSES ASSISTANCE PROGRAM

Tom Bissonette, Program Director of the Indiana State Nurses Assistance Program (ISNAP) was present. He reported that there are a total of 341 nurses being actively monitored. He informed the Board that the educational outreach remains a high priority. Tom addressed the students in the audience.

DISCUSSION

In the matter of Donna Ross, LPN, Re: Respondent's Objections to Findings of Fact, Conclusions of Law and Order and Request for Hearing:

Respondent was not present, but was represented by Laura Engleking regarding this matter. Shelly Johnson, Deputy Attorney General represented the State of Indiana. A motion was filed by the Respondent objecting to the wording of the Findings of Fact, Conclusions of Law and Order. Ms. Engelking informed the Board that the motion was filed in a timely manner, but the matter was not set for a hearing timely. Upon advise of counsel, the Board informed Ms. Engelking that it was past the thirty (30) days and that the Board has no jurisdiction to make changes after the thirty (30) days have past. The Board moved that the order will remain as it is.

King/Peters, 6/1/1, with Ms. Jones objecting and Ms. Little abstaining

Advanced Practice Nurse Pharmacology Rule Subcommittee Update:

The subcommittee submitted a draft of the rules for the Board to review. After discussion the Board moved to APPROVE the rule draft and directed Ms. Kelley to continue on to the next step of having the rules approved by the Medical Licensing Board of Indiana.

King/Thomas, 8/0/0

EDUCATION

Indiana University Northwest – Model for Clinical

Linda Delumas presented a model for clinicals that the school would like to put into operation beginning Spring 2004. They would contract with the hospital to have a full-time master's prepared faculty member on site at all times to oversee a baccalaureate prepared faculty member that would oversee ten (10) nursing students. This would increase the ratio from 3:20 instead of 2:20. This would increase the number of students doing clinical in the hospital. The Board informed Ms. Delumas that this is a very good idea, however at this time, the model is not in compliance with the Board's rules. This is a concept that the education subcommittee has been recently discussing. Their model will be presented to the education subcommittee at their next meeting.

Ivy Tech State College – Request to add an extension site to the ASN program in Muncie

Robert Jeffs, Ph.D., Chancellor, Nancy White, RN, MA, NsgEd, Chair, Cathy Woodward, MS, RN, Health Sciences Division Chair, Gail Chesterfield, Dean and Janet Kramer, MSN, RN, Chair, appeared before the Board concerning an extension site to the ASN program in Muncie. They presented to the Board information regarding extending the ASN program to the Anderson Campus. They would start with twenty (20) students possibly going up to forty (40) students. They would have a full-time program chair. They would have a department chair to cover all three (3) sites. They are currently

searching for faculty members and are working with Community Hospital in Anderson. After discussion the Board moved to APPROVE the extension site.

King/Thomas, 8/0/0

Rules Subcommittee Update

The Board was informed that the committee went through the entire rules step by step and will have a new draft shortly. Specifics that were considered were the use of full-time faculty, and pass rate criteria. The subcommittee will meet again in August 2003.

Ivy Tech State College Kokomo – Request to increase student enrollment

Laurie Peters, MSN, RN, Division Chair, was in attendance to discuss with the Board the request to increase the annual enrollment from 80 to 100 students per year. They will continue to admit 60 students into the full-time track and will increase the part-time track from 20 to 40 students. They would like to begin this August 25, 2003 with the Board approval. After discussion the Board moved to APPROVE the increase in enrollment.

King/Jones, 7/0/1, with Ms. Peters abstaining

Ivy Tech State College Bloomington – Request to increase student enrollment

Vera Cline, MSN, RN, ASN Chair submitted a request to the Board to receive the Board's approval to increase the fall enrollment by 25%. They are approved to admit 30 traditional students and they want to admit 34 students based on admission criteria. After discussion the Board moved to APPROVE the increase.

Peters/Thomas, 8/0/0

PERSONAL APPEARANCES

EXAMINATION APPLICANTS

Stephanie Kay Burthay – Applicant appeared before the Board and was not represented by counsel regarding a positive response on her examination application. Ms. Burthay has had four (4) DUI's since 1995. She admitted to the Board that she has a problem with alcohol. She has been sober for one and a half (1 ½) months. She attends AA meetings but not on a regular basis. After discussion the Board moved to APPROVE Ms. Burthay to take the NCLEX examination and upon successful completion she must make another personal appearance before licensure.

King/Jones, 7/0/1, with Ms. Peters abstaining

Kimberly Sue Lakin – Appeared before the Board and was not represented by counsel regarding a positive response on her examination application. Ms. Lakin has taken and passed the NCLEX examination. She had a DUI last year and her sobriety date was one

month ago. She has completed a five (5) week alcohol class and was evaluated by a counselor who did not feel that she had a problem with alcohol. After discussion the Board moved to approve her application for licensure but to place her license on INDEFINITE PROBATION for a period of three (3) months with terms and conditions.

King/Peters, 8/0/0

Philip R. Russell – Appeared before the Board and was not represented by counsel regarding a positive response on his examination application. Mr. Russell explained to the Board in April 2001 he was involved in a family dispute. It was a heated argument between he and his wife, during the argument he hit his wife and his daughter called the Police. He was arrested and received a six (6) month suspended sentence. He has completed an anger management class and also attended marriage counseling. He and his wife are still together and have never had any more incidents. After discussion the Board moved to APPROVE Mr. Russell to take the examination and to become licensed after successful completion of the examination.

King/Thomas, 8/0/0

APPLICATIONS

ADVANCE PRACTICE NURSE PRESCRIPTIVE AUTHORITY

Diane Mary Seiwert, RN, NP – Ms. Seiwert's application was reviewed by the Board. The Board determined that she is not qualified due to her pharmacology course being older than five (5) years. The Board requested that Ms. Seiwert be given the opportunity to withdraw her application or have it tabled until the new pharmacology rules are effective.

CONSENSUS

ADMINISTRATIVE HEARINGS

The following administrative hearing was continued.

Elizabeth Anne West, RN, License No. 28041215A, Cause No. 2003 NB 0036
Tammy Renee Adams, RN, License No. 28147998A, Cause No. 2003 NB 0041

The following administrative hearing was dismissed.

Susan Colleen Warren, RN, License No. 28087596A, Cause No. 97 NB 002

Susan J. Lawrence, LPN, License No. 27030930A, Cause No. 2003 NB 0067

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. Brenda Breivogel, Lila Roth and Joyce Edwards were sworn in as witnesses for the State. Ms. Breivogel testified that she did the investigation concerning the Respondent. She found that the Respondent had called the residents names, and that she neglected to give a resident fluids indicating that she would catch up later. She also found that the Respondent made a statement to the effect that she wanted to hang a nurse on the first shift. She was employed on April 16th and was terminated on May 3rd. Ms. Edwards testified that she saw the Respondent hit a resident twice and saw her shove a resident that was in a wheel chair down a 46-foot hallway and let go of her. At the end of the hall the Resident went into a laundry cart hurting her face. She also indicated to the Board that she heard the Respondent threaten a resident that she was going to throw him into the lake and he would be fish bait. Ms. Roth explained to the Board she also saw the 46-foot hallway incident. After having considered the evidence in this matter, the testimony of the witnesses 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/Peters, 8/0/0

Marilyn Reynolds, RN, License No. 28131555, Cause No. none

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was not represented and the court reporter sworn in for this matter was Lori Keen. The Respondent's license was placed on Probation based on action in Kentucky. An order of Probation was never processed nor was a cause number issued. However, Ms. Reynolds status on her license indicates Probation. She completed the Kentucky requirements in 1990 and was issued a clear license. Her sobriety date is 1997. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to WITHDRAW the Order of Probation.

King/Jones, 8/0/0

Cherie McCullom, LPN, License No. 27021906A, Cause No. 98 NB 082

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Ms. McCullom gave the Board proof that she completed required Pharmacology course at Ivy Tech in Muncie. She indicated to the Board that she contacted colleges and other States and that she could not find a course in "Scope of LPN practice" which was a Probation requirement. The LPN's on the Board indicated that they agreed this type of course would almost be impossible to find. The Respondent is currently working as a CNA. After having considered the evidence

presented and taking official notice of its file in this matter the Board voted to WITHDRAW the Order of Probation.

King/Jones, 6/2/0, with Ms. Peters and Ms. Thomas objecting

Tiawiana M. Blackwell, LPN, License No. 27038734A, Cause No. 2003 NB 0038

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary 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. After having considered the evidence presented and taking official notice of its file in the matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 8/0/0

Ruth Alice King, LPN, License No. 27026224A, Cause No. 2003 NB 0042

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Barclay Wong, 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 moved to issue a NOTICE OF PROPOSED DEFAULT.

King/Jones, 8/0/0

At the request of Barclay Wong, Deputy Attorney General, the Board agreed to hear additional evidence to consider an unscheduled summary suspension. Tom Bissonette was sworn in as a witness for the State. Respondent was terminated from her employment for falsifying the medication log and for diversion of controlled substances. She also had a positive drug screen. She contacted ISNAP, but her file was closed in May 2002. After having considered the evidence presented, the testimony of the witness 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.

King/Shook, 8/0/0

Brandy Jo Austin, LPN, License No. 27039210A, Cause No. 2003 NB 0043

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing and/or Hearing to Renew Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Sara Matticks, Deputy Attorney General. The settlement included SUMMARY SUSPENSION for a period of ninety (90) days. During the ninety (90) days the Respondent must be evaluated by the Indiana State Nurses Assistance Program. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

King/Jones, 8/0/0

Shane R. Hutcherson, LPN, License No. 27046433A, Cause No. 2003 NB 0050

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary 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. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

King/Thomas, 8/0/0

At the request of the Board, the Deputy Attorney General Kate Sinn presented additional evidence for the consideration of an unscheduled summary suspension. Tom Bissonette was sworn in as a witness for the State. The Respondent tested positive for controlled substances. He admitted to taking Adavan and Loratab, but did not have a prescription for either. He was obtaining prescriptions with three (3) different Doctors and presenting the prescriptions to different pharmacies. He was paying cash for the prescriptions so they could not be connected and traced. He contacted ISNAP, but his case was closed March 2003 for failing to follow ISNAP recommendations. After having considered the evidence presented, the testimony of the witness 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.

King/Thomas, 8/0/0

Jackie D. Nix, LPN, License No. 27035847A, Cause No. 2003 NB 0033

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default and Response scheduled before the Board. The State of Indiana was represented by Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented, the response from the Respondent and taking official notice of its file in this matter the Board moved to NOT issue a DEFAULT.

King/Jones, 8/0/0

The Board further moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days and requested this matter be set for a hearing.

King/Jones, 8/0/0

Susan Gail Nation, LPN, License No. 27051445A, Cause No. 2003 NB 0027

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default and Response scheduled before the Board. The State of

Indiana was represented by Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented, the response of the Respondent and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

King/Jones, 8/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of two (2) years and ordered the Respondent to receive a psychological evaluation by a Board approved Psychiatrist.

King/Thomas, 7/1/0, with Ms. Shook objecting

Linda Marie Nicholls, RN, License No. 28118208, Cause No. 2003 NB 0002

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 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 moved to hold the Respondent's license in DEFAULT.

King/Peters, 8/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) years.

King/Peters, 8/0/0

Brandi Lee Hanna, LPN, License No. 27039006, Cause No. 2003 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 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 moved to hold the Respondent's license in DEFAULT.

King/Peters, 8/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) years and ordered the Respondent to receive an examination by a Board certified Addictionologists. This vote failed to pass.

King/Thomas, 4/4/0, with Mr. Helmuth, Ms. Jones, Ms. Little and Ms. Slagle objecting

After further discussion, the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) years and ordered the Respondent to receive an examination by a Board certified Addictionologists.

King/Peters, 6/2/0, with Ms. Jones and Ms. Little objecting

Linda Abney, LPN, License No. 28091592, Cause No. 2003 NB 0048

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent requested a continuance so that she could obtain counsel for this matter. The Board moved to CONTINUE this matter.

CONSENSUS

Martha Lois Hewitt, RN, License No. 28041215A, Cause No. 2003 NB 0036

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by James Holden, 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 moved to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 8/0/0

At the request of James Holden, Deputy Attorney General, the Board agreed to hear additional evidence to consider an unscheduled summary suspension. Tom Bissonette was sworn in as a witness for the State. The Respondent admitted to drug abuse and to diversion from her place of employment. Her ISNAP file was closed due to non-compliance. After having considered the evidence presented, testimony of the witness 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.

King/Jones, 8/0/0

Jerome August Cerny, RN, License No. 28086391A, Cause No. 2003 NB 0068

Respondent did not appear in person and was represented by John Ittenbach regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent is licensed also as a Psychologist. The Psychology Board recently placed the Respondent's license on summary suspension. Dr. Cerny was a Professor on the Sexology Laboratory at Indiana University. Student's complained that the Respondent had made sexual advances toward them and tried to discuss their personal sexual experiences with them. They indicated he had them do things in the name of sexual research that they did not want to do. The sexology laboratory has very strict rules and the Respondent was not following the rules. The

University placed the Respondent on leave and banned him from the campus. During the hearing Mr. Iddenbock received a message indicating that the Superior Court stayed the summary suspension issued by the Psychology Board and they would have a hearing on the following Monday, he in turn gave this information to the Board. 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.

Jones/Shook, 7/0/1, with Ms. Little abstaining

Let the record reflect that Mr. Ittenbock returned to the meeting later in the day to correct an error of information he gave to the Board. Mr. Ittenbock explained to the Board that he went to the Court to pick up a copy of the stay order and in fact the information he received was incorrect. The Psychology Board order was not stayed, but set for a review hearing the following Monday. He apologized to the Board for giving them incorrect information.

Myra Kay Lockhart, LPN, License No. 27042591A, Cause No. 2003 NB 0039

Respondent did appear in person and was not represented by counsel regarding a Disciplinary 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. Tom Bissonette was sworn in as a witness for the State and James Lockhart was sworn in as a witness for the Respondent. The Respondent tested positive in a pre-employment drug screen. She was referred to the Mulberry Center. The Respondent was evaluated at the Mulberry Center and it was determined that she did not have a substance abuse problem, but needed to be educated about drug abuse. Mulberry Center referred her to ISNAP. The Respondent entered into a one (1) year contract with ISNAP. Her file was closed due to non-compliance. The Respondent indicated to the Board that she was going through a very rough period in her personal life and in a spur of the moment decision she told ISNAP she was not going to continue. Mr. Lockhart indicated to the Board that the Darvocet his wife had taken was his. He admitted to the Board that he gave it to his wife for her sciatic pain and that she did not even know what it was until the next morning. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to DISMISS the complaint.

King/Peters, 8/0/0

Sallye M. Morris, RN, License No. 28116551A, Cause No. 2002 NB 0129

Respondent did appear in person and was not represented by counsel regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by James Holden, Deputy Attorney General. The settlement included INDEFINITE PROBATION for a period of one (1) year. After

having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement.

7/1/0, with Ms. Peters objecting

Let the record reflect that Laurie Peters and Maurene Thomas left for the day.

Tina Marie Poe, RN, License No. 28106565, Cause No. 2002 NB 077

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. Tom Bissonette and Bernadine Wallace were sworn in as witnesses for the State. Cindy Manning was sworn in as a witness for the Respondent. Ms. Wallace testified that during an investigation at Marion General Hospital there were 84 Loratab missing. The missing Loratab was traced back to the Respondent. She would either check out the Loratab on a patient that had already been released or would forge the order for a new patient. She would then take the Loratab for herself. Mr. Bissonette feels that the Respondent should be monitored by ISNAP to ensure her safety to practice. The Respondent told the Board that she was non-compliant with her ISNAP contract because she simply could not afford the drug screens. She contacted Mile Stone and has been going there since March 2003. At Mile Stone they will let you accumulate your bills and pay monthly what you are able to pay. She has not had any positive drug screens. She also informed the Board that part of her problem was an abusive husband, which is now out of her life. She attends AA meetings 3 to 5 times a week. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE PROBATION to run concurrent with the length of her ISNAP contract.

King/Shook, 5/0/1, with Ms. Slagle abstaining

Elaine I. Myers, RN, License No. 28119081A, Cause No. 2003 NB 0051

Respondent did appear in person and was represented by Andrew Peacock regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A settlement agreement between the Respondent, her counsel and the Attorney General's Offices was presented to the Board by James Holden, Deputy Attorney General. The settlement included INDEFINITE PROBATION for a period of one (1) year. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

King/Jones, 5/0/1, with Ms. Little abstaining

Wendy Marie Taines, LPN, License No. 27049504A, Cause No. 2003 NB 0035

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 James Holden, 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 moved to hold the Respondent's license in DEFAULT.

Jones/King, 6/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) years.

Jones, King, 5/0/1, with Ms. Little abstaining

Stephanie Pemberton, LPN, License No. 27036693A, Cause No. 2003 NB 0035

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 James Holden, 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 moved to hold the Respondent's license in DEFAULT.

King/Jones, 6/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of five (5) years.

King/Jones, 6/0/0

Let the record reflect that Traci Little left for the day.

Phyllis Kay Woolsey, LPN, License No. 27046947A, Cause No. 2002 NB 058

Respondent did appear in person and was represented by Michael Kendall regarding a Disciplinary 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 by way of counsel requested the Board issue a Summary Judgment. After discussion the Board moved to DENY the request.

CONSENSUS

Sydney McElroy and Doris Oleavis were sworn in as witnesses for the Respondent. Ms. McElroy testified to the Board the in the years she has worked with the Respondent she has never seen or heard her abuse a resident. The Respondent submitted proof to the Board that since 1997 she has taken 120 hours of continuing education. She admitted to the Board that she does have a forward mouth on her, but she never called the resident a hubba bubba. While in the Nurses station during a conversation with another Nurse she admitted that she told the Nurse the resident was a hubba bubba. She told the Board that she has never in her life abused a resident verbally or physically. After having considered the evidence presented, the testimony of the witnesses and taking official

notice of its file in this matter the Board moved to issue a LETTER OF REPRIMAND.
This vote failed to pass.

King/Shook, 2/2/1, with Ms. Slagle and Ms. Jones objecting and Mr. Helmuth abstaining

After further discussion the Board moved to DISMISS the complaint. This vote did not receive a second.

After further discussion the Board moved to DISMISS the complaint.

Jones/King, 4/0/1, with Mr. Helmuth abstaining.

ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS

The Board approved the following ALJ recommendations submitted by Celinda Kay Leach, R.N., from the April 14, 2003 hearings:

Barbara Ellen Davisson, RN

Carrie A. Donnelly, LPN

There being no further business, the meeting adjourned at 9:30 p.m..

Marsha M. King, R.N., President

Darla Jones, L.P.N., Secretary

