

**INDIANA STATE BOARD OF NURSING**

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

**MINUTES OF MARCH 18, 2004**

Laurie Peters, R.N., President, called the meeting to order at 8:35 a.m. and declared a quorum in accordance with IC 25-23-1-5.

Members Present:	Laurie Peters, R.N., President Mervin Helmuth, R.N., Vice President Janis Shook, L.P.N., Member Carolyn Slagle, R.N., C.N.S., Member Susan Dye, R.N., Member Ann Parker, R.N., Member
Member Absent:	Darla Jones, L.P.N., Secretary Laurel Valentino, R.N., Member Traci Little, JD, Consumer Member
Staff Present:	Kristen Kelley, Board Director Health Professions Bureau Jody Edens, Assistant Board Director Health Professions Bureau Gordon White, Deputy Attorney General Office of the Attorney General

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

Helmuth/Slagle, 6/0/0

The Board voted to adopt the minutes of February 19, 2004 meeting as amended.

Helmuth/Dye, 6/0/0

## **INDIANA STATE NURSES ASSISTANCE PROGRAM**

Donna Goch, Program Director of the Indiana State Nurses Assistance Program (ISNAP) was present. Ms. Goch informed the Board there are 406 nurses actively involved with ISNAP. They continue to do educational outreaches at every opportunity. Charles Gehrke, MD, FACP, FASAM started as the new ISNAP Medical Director on March 1, 2004. Ms. Goch explained the program to the students in the audience.

### **DISCUSSION**

In the Matter of Jerome August Cerny, RN, Cause No. 2003 NB 0068 Re: Discussion of Final Hearing Procedures – Respondent did not appear in person but was represented by John Ittenbach concerning this matter. The State of Indiana was represented by Sara Matticks. It was determined this final hearing may last approximately two (2) days. The Board voted to appoint Laurie Peters, RN, Carolyn Slagle, RN, and Ann Parker, RN, as Administrative Law Judges to hear this matter. A transcript of the final hearing before the Indiana Psychology Board will be provided before the hearing. Mr. Ittenbach will submit to the Board five (5) dates he and the Respondent will be available so the Board can determine when this matter will be heard. Mr. Ittenbach and Ms. Matticks are also to submit pretrial briefs to the Board before the next board meeting. After discussion the Board moved to APPROVE this matter to be heard by the Administrative Law Judges.

Helmuth/Shook, 6/0/0

In the matter of Kathy Sanders, LPN, Cause No. 2001 NB 078 Re: Request to Reinstate Ms. Sanders petitioned the Board, by letter, to have her license reinstated. After reviewing the information the Board moved to request Ms. Sanders to appear before them to further discuss this matter.

Peters/Shook, 6/0/0

Correspondence from Dr. Barry Kriebel, MD, Nephrology & Internal Medicine, Inc. Re: Request to Reconsider Board's Advisory Opinion on Renal Dialysis Facilities – Dr. Kriebel, MD, Kathleen Smith and Margaret Emert, JD, RN appeared before the Board concerning this matter. The State Board of Health recently requested an Advisory Opinion from the Board concerning nursing delegating procedures to dialysis techs. The Board issued their opinion based upon the nursing statute and rules. Many letters have been sent to the Board requesting that they reconsider their opinion. After much discussion the Board informed those attending, that the Board would be willing to meet with them at an informal meeting as long as the State Board of Health was also present to discuss this. Gordon White, Deputy Attorney General indicated that he would contact the State Board of Health to see if they would be willing to meet.

Announcement of Student Loan Repayment Program – Indiana State Board of Health – FYI

Implementation of Indiana State Board of Nursing Newsletter – Kristen Kelly informed the Board of this wonderful opportunity for the Board to have their own nursing magazine. This magazine would contain information from the Board and would be distributed to all nurses licensed in Indiana. There is not cost to the Health Professions Bureau as it is funded by advertisements. The Board liked the samples of the magazine and agreed that it was a wonderful opportunity.

**EDUCATION**

Ivy Tech State College Lafayette – ASN program

- Permission to increase enrollment in the traditional ASN program
- Request to move start date for the Mobility Option
- Request to employ Karen Walker

After reviewing the information provided, the Board voted to approve the above requests.

Helmuth/Slagle, 5/0/1, with Ms. Peters abstaining

Commonwealth Business College – Letter of intent to open LPN programs in Merrillville and Michigan City – After reviewing the letter, the Board moved to TABLE this matter and requested that a representative appear before them to discuss the letter of intent.

Michiana College – Letter of intent to open LPN program in South Bend – After reviewing the letter, the Board moved to TABLE this matter and requested that a Representative appear before them to discuss the letter of intent.

Ivy Tech State College Kokomo – Application for Accreditation/ASN Program – Janet Kramer, RN and Paula McKinney, RN appeared before the Board to discuss this matter. Ms. McKinney informed the Board they are working with Indiana University Kokomo to share clinical facilities. After reviewing the information provided the Board moved to APPROVE the new program pending a survey visit.

Helmuth/Slagle, 5/0/1, with Ms. Peters abstaining

Update of Subcommittee meeting – Mervin Helmuth, RN informed the Board that the subcommittee met on March 17, 2003, to review the last draft of the annual report forms. They also revised the accreditation application for a new program as well as the rules pertaining to accreditation of a new program. The final drafts will be e-mailed to the subcommittee members for their final opinion.

Ancilla College – Report of Survey Visit – Kathy Norem, Program Chair and Bob Aventi, President and Ann Fitzgerald, RN, APN appeared before the Board regarding the survey visit performed by Paulette Worcester. She listed five (5) concerns:

- Admission criteria
- Progression requirement adjustment.
- Lack of teaching experience
- Development of a systematic evaluation plan
- Library formal weeding policy

Ms. Norem addressed all concerns to the Board. She informed the Board that the admission criteria have been shortened per Ms. Worcester's suggestion. The progression policy has been changed to 2.0 per Ms. Worcester's suggestion. Concerning the lack of teaching experience a mentoring program has been established to have new faculty without experience shadow experienced faculty. They also have \$2000 in their budget for each faculty member to attend faculty courses/seminars to help them establish/improve their teaching skills. The systematic evaluation plan has been restructured. The library has established a formal weeding policy. Ms. Norem addressed the concerns to the Boards satisfaction. The program is being approved on INITIAL ACCREDITATION.

Peters/Helmuth, 6/0/0

Ivy Tech State College Evansville – Request to add second admission date to ASN program – Janet Kramer, RN and Judith McCutchan, MSN, RN appeared before the Board to discuss this matter. Ms. McCutchan informed the Board that Ivy Tech Evansville wishes to admit thirty (30) students in the spring. Their clinical facilities have the ability to handle the additional students and they are willing to participate. They have received state money for one more facility. After discussion the Board moved to APPROVE the second admission date.

Helmuth/Parker, 4/0/2, with Ms. Peters & Ms. Dye abstaining

### **PERSONAL APPEARANCES**

#### EXAMINATION APPLICANTS

Misty Dawn Clements – Applicant appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Clements informed the Board that in 1997 she was charged with illegal consumption as a minor and in 1999 she was charged with theft. She was working for a bank and stole some money. She spent forty-eight (48) hours in jail, ninety (90) days home detention and probation. She has been working for Nurse Finders as a CNA for the last four years and has started taking the prerequisites to start the RN program next year. After discussion the Board moved to APPROVE Ms. Clements to take the NCLEX and to become licensed upon successful completion.

Helmuth/Parker, 6/0/0

Kristine Susan Cook – Applicant appeared before the Board concerning her examination application and was not represented by counsel. Ms. Cook was terminated from St. Mary’s Medical Center on September 2003 and did not answer positive to the question pertaining to terminations. Ms. Cook held herself out to be a graduate nurse to St. Mary’s when she had not completed the program. She worked for three (3) months before the hospital questioned her about why she had not taken her Boards yet. After discussion the Board moved to APPROVE Ms. Cook to take the NCLEX and to become licensed upon successful completion.

Peters/Helmuth, 6/0/0

April Michelle Covington – Applicant appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Covington has taken and passed the NCLEX examination. Ms. Covington informed the Board that in 1995-96 she had three (3) bounced checks and in 2001 she received six (6) months probation for disorderly conduct. After discussion the Board moved to APPROVE Ms. Covington for licensure.

Peters/Shook, 6/0/0

Kristen A. Nelson – Applicant appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Nelson informed the Board that she had a DUI in 1994 and another one in 1999. She received one (1) year probation, attended alcohol classes and paid a fine. She also told the Board that she no longer drinks at all and has taken her life in a different direction. After discussion, the Board moved to APPROVE Ms. Nelson to take the NCLEX and to become license upon successful completion.

Peters/Slagle, 6/0/0

RENEWAL APPLICANT

Marilyn Sue Kaelin, RN

- CONTINUED

**ADMINISTRATIVE HEARINGS**

The following hearings were continued:

**Jolinda Garrison, LPN, License No. 27034782A, Cause No. 95 NB 048**

**Misty C. Bailey, LPN, License No. 27036077A, Cause No. 2003 NB 0145**

**Diana Barbee, RN, License No. 28126077A, Cause No. 2001 NB 018**

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 in this matter and the court reporter sworn in for this matter was

Charlotte Hedrick. Ms. Barbee informed the Board her sobriety date is September 3, 1999. She has completed her treatment program and is involved in different programs to help other addicts. All of her urine drug screens have been negative. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to GRANT the WITHDRAWAL of PROBATION.

Peters/Helmuth, 6/0/0

**Nancy Jo Walker, RN, License No. 28114265A, Cause No. 2003 NB 0144**

Respondent did not appear in person and was not represented by counsel regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Laura Wilford, Deputy Attorney General. The agreement included INDEFINITE PROBATION for a period of one year with terms and conditions. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the settlement agreement.

Peters/Shook, 6/0/0

The Board further suggested to Ms. Wilford that the terms and conditions of the agreement should include quarterly supervisory reports and random drug screens for a period of six (6) months.

**Elizabeth Smith, RN, License No. 28088084A, Cause No. 2003 NB 0148**

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 in this matter and the court reporter sworn in for this matter was Charlotte Hedrick. Ms. Smith informed the Board that she has an agreed order with the State of Kentucky. It was in the process of being signed by the State of Kentucky. She will have an encumbered KY license once the order is signed. She must pay a \$500 civil fine and complete a total of sixty (60) hours of continuing education. Her job with Jewish Hospital has been reinstated without a break in service. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to GRANT the WITHDRAWAL of PROBATION.

Peters/Shook, 6/0/0

**Tamara Lyn Wooten, RN, License No. 28087410A, Cause No. 2004 NB 0051**

Respondent did appear in person and was not represented by counsel regarding a Petition to Review the Board's Denial of Application for Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Charlotte Hedrick. Donna Goch, Director of ISNAP was sworn in as a witness for the Respondent. Ms. Goch testified that the Respondent signed a contract with ISNAP November 2003 and is in full 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 GRANT RENEWAL of the Respondents license.

Shook/Helmuth, 6/0/0

**Dawn M. File, RN, License No. 28098351A, Cause No. 2004 NB 0015**

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing/Renewal of Summary Suspension 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 Charlotte Hedrick. The Respondent informed the Board that she is in ISNAP and has been following the program. She submitted documentation of the AA meeting she attended and she also informed the Board that she sees an individual therapists. Her sobriety date is December 30, 2003. 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 INDEFINITE SUSPENSION for a period of ninety (90) days and ordered the Respondent to remain in compliance with her ISNAP contract.

Peters/Helmuth, 6/0/0

**Cathy L. Manchette, RN, License No. 28125402A, Cause No. 2004 NB 0024**

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled by the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Charlotte Hedrick. Salli Christenson, Case Manager with ISNAP was sworn in as a witness. Ms. Christenson testified that the Respondent was referred to ISNAP at the January 2004 Board Meeting. The Respondent missed two (2) scheduled appointments with her addictionist and her case was closed. She has since contacted ISNAP and rescheduled an appointment with Dr. Mackey. 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 SUSPENSION for a period of ninety (90) days and ordered the Respondent to be evaluated by ISNAP and to sign a contract and be in compliance if deemed necessary.

Slagle/Parker, 6/0/0

**Susan Kroeger, RN, License No. 28117279A, Cause No. 2002 NB 0111**

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 Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Sara Matticks, Deputy Attorney General requested a continuance of this matter in order to speak with the Respondent's Counsel. The Respondent is currently on mental disability. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter and requested that the Respondent's license be flagged so that she can not renew it at this time.

Peters/Helmuth, 6/0/0

**Kimberly Dawn Minne, RN, License No. 28129317A, Cause No. 2004 NB 0056**

Respondent did appear in person and was represented by Carla Gillis regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporters sworn in for this matter were Charlotte Hedrick and Lori Keen. Carol Snyder, Detective and Sally Christenson, Case Manager with ISNAP were sworn in as witnesses for the State. Detective Snyder testified that the Respondent called in prescriptions for Hydracodone to the local Walgreen. During her investigation Detective Snyder found that the prescriptions were called in under Ms. Minne's personal Physician's name and not the physician she worked for. The prescriptions totaled seven hundred (700) Hydracodone and one hundred-eighty (180) Zantacs tablets. Ms. Minne informed the Detective that she only called the prescriptions in because her soon to be ex-husband threatened her and her families lives if she did not do it. The Detective spoke with Mr. Minne and he denied that he threatened her and denied that he ever picked up any of the prescriptions. Salli Christenson testified that the Respondent has contacted ISNAP but they do not have enough information at this time to determine if she is safe to practice. They are waiting for Dr. Davis's evaluation. Ms. Minne testified to the Board that she did call in the prescriptions only because her soon to be ex-husband had threatened to kill her and her family. She also informed the Board that her soon to be ex-husband is under investigation in St. Joseph County and she is cooperating with the investigation. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to DENY the Summary Suspension.

Helmuth/Parker, 5/0/1, with Ms. Slagle abstaining

**Kathleen Marie Ross, LPN, License No. 27024249A, Cause No. 2003 NB 0111**

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 Sara Matticks and the court reporter sworn in for this matter was Lori Keen. The Respondent admits she has a problem and has signed a contract with ISNAP. 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 INDEFINITE PROBATION for the length of her ISNAP contract. The Respondent may not request the Probation to be lifted until the successful completion of her contract.

Peters/Shook, 6/0/0

**Sherrill A. Everman, RN, License No. 28155017A, Cause No. 2004 NB 0021**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing/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 moved to issue a NOTICE OF PROPOSED DEFAULT.

Peters/Helmuth, 6/0/0

After discussion the Board further moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Peters/Helmuth, 6/0/0

At the request of Ms. Sinn, Deputy Attorney General the Board agreed to hear testimony. Jennifer Knoll, RN was sworn in as a witness for the State. Ms. Knoll testified that the Respondent was terminated from her facility during her orientation state of employment. She testified that two (2) other Nurses had come to her because during their Narcotics count they noticed that the liquid Hydralcodone had been tampered with. The Respondent was responsible for the Narcotics before the count was done. Ms. Knoll notified the Pharmacy and Police departments. The Board thanked the witness for her testimony.

**Valerie J. Brown, LPN, RN, License Nos. 27043016A & 28140283A, Cause No. 2003 NB 0133**

Respondent did appear in person and was represented by Mary Zahn concerning 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. Donna Goch, Director for ISNAP and Susan Clark, DON were sworn in as witnesses for the Respondent. Mr. Wong informed the Board that the Respondent was arrested in the State of Michigan for diversion. She received five (5) months in the County Jail and one (1) month in the Women's Prison and one (1) year probation. The Respondent informed the Board her sobriety date is September 22, 2001 and she has completed an intensive outpatient treatment program, goes to weekly AA/NA meetings and has signed a contract with ISNAP. Ms. Clark testified that the Respondent is currently employed at her facility and she fees the Respondent is very competent and a great nurse. She follows all the rules and has been very honest about her problems. Ms. Goch testified that the Respondent signed a contract with ISNAP January 2004. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE PROBATION for the length of her ISNAP contract.

Slagle/Parker, 6/0/0

The Board further moved to issue a LETTER OF REPRIMAND for renewal fraud.

Slagle/Parker, 6/0/0

**Allison Ruth Ditmer, RN, LPN, License No. 28131234A & 27028263A, Cause No. 2004 NB 0010**

Respondent did not appear in person and was not represented by counsel regarding a Renewal of 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. Ms. Ditmer had previously called and indicated that she could not be here for this hearing. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Peters/Helmuth, 6/0/0

**Jane Ann Diehl, RN, License No. 28086521A, Cause No. 2004 NB 0059**

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. Ms. Sinn informed the Board that the Respondent was non-compliant with her ISNAP contract at the time his matter was filed. The Respondent is now in the re-admission stage with ISNAP. Ms. Sinn recommended that the Board dismiss this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS the Summary Suspension

Peters/Shook, 6/0/0

**Marla J. Thompson, RN, License No. 28135683A, Cause No. 2004 NB 0057**

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 Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Sherry Mitchell, HFA was sworn in as a witness for the State. The Respondent has been charged with OWI and criminal mischief from banging up someone's car with a crowbar while intoxicated. She also pled guilty to being a habitual traffic offender. Ms. Mitchell testified that the Respondent was the DON at her facility. Ms. Mitchell was informed by her staff nurses that the DON appeared to be drunk. Ms. Mitchell said the Respondent was completely intoxicated and the alcohol smell was very strong. The Respondent was immediately terminated. Another Nurse at the Facility walked the Respondent across the street to her residence. Later that same day the Respondent called Ms. Mitchell wanting to know what time she was scheduled to work. She did not remember any thing about what had happened. Ms. Mitchell feels the Respondent is a clear and immediate danger to the public should she be allowed to continue to practice. 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.

Peters/Helmuth, 6/0/0

**Mary Ann Atterson, LPN, License No. 27038626A, Cause No. 2003 NB 0135**

Respondent was not present and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by

Laura Wilford, 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.

Peters/Shook, 6/0/0

Theresa Terhune was sworn in as a witness for the State. Ms. Terhune testified that she worked with the Respondent at Royal Oaks. The Respondent received a bad performance appraisal for not doing her documentation. She loudly called her Supervisor a very bad name because of the appraisal she received. She was then disciplined for name-calling and the Respondent left in the middle of her shift. The facility terminated her for abandonment of her residents. 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 SUSPENSION for a period of ninety (90) days and ordered the Respondent to obtain a minimum of three (3) hours of CEU's in each of the following areas: medication administration, charting/documentation, and professional behavior/ethics, before she can request reinstatement.

Peters/Shook, 6/0/0

**Dollie Robin Geary, LPN, License No. 27042631A, Cause No. 2003 NB 0155**

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.

Peters/Helmuth, 6/0/0

**Linda L. Jones, LPN, License No. 27021210A, Cause No. 2004 NB 0013**

Respondent was not present and was not represented by counsel regarding a Hearing to Renew the Summary Suspension 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. Mr. Wong indicated to the Board that the Respondent's criminal trial has not occurred. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Peters/Helmuth, 6/0/0

**Dezirae R. Riggs, LPN, License No. 27034963A, Cause No. 2004 NB 0018**

Respondent was not present and was not represented by counsel regarding a Hearing to Renew the Summary Suspension 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 RENEW the SUMMARY SUSPENSION.

Peters/Helmuth, 6/0/0

**Evelyn Christine Baughman, LPN, License No. 27039727A, Cause No. 2003 NB 0143**

Respondent was not present and was not represented by counsel regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by Laura Wilford, 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 Laura Wilford, Deputy Attorney General. The agreement included a LETTER OF REPRIMAND and INDEFINITE PROBATION for a period of two (2) years. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Helmuth/Shook, 6/0/0

**Charles Mitchell Cooper, LPN, License No. 27028314A, Cause No. 2003 NB 0161**

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 Shelley Johnson, 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.

Peters/Helmuth, 6/0/0

At the request of Shelley Johnson, Deputy Attorney General the Board agreed to hear the testimony of the witnesses. Gilbert Hall and Brooks Wilson were sworn in as witnesses for the State. Mr. Hall testified that the Respondent has sexual relations three different times with an inmate at the Women's Prison. Mr. Hall interviewed the inmate involved in this matter and she admitted it was consensual. A voice stress analysis was performed on the inmate and it indicated no signs of stress during the questions. Mr. Hall indicated to the Board that during his interview with the Respondent he denied that he had any type of sexual relations with the inmate. The Respondent refused to take a voice stress test until he conferred with his Attorney. He later acknowledged that he did engage in sexual relations with the inmate. The case was then turned over to the State Police for further investigation. Mr. Brooks Wilson is a retired Commander Detective with the State Police. He was the investigator in this matter. He testified that during his interview with the Respondent he admitted that he did have a consensual sexual relationship with the inmate. The Respondent told Mr. Wilson that he did not know it was against the law to have a sexual relationship with an inmate. The Respondent signed a confession but was

not prosecuted for several reasons one being that the inmate also admitted it was a consensual relationship. The Board thanked the witnesses for their testimony.

**Kimberly Kay Thompson (Whitis), LPN, License No. 27047748A, Cause No. 2004 NB 0020**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing/Renewal of the 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. The Respondent sent a letter indicating she would like to request a continuance of this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Peters/Helmuth, 6/0/0

The Board further moved to CONINTUE the hearing until the May 2004 meeting.

Peters/Helmuth, 6/0/0

**Bettie Lou Roberts, LPN, License No. 27031325A, Cause No. 2003 NB 0163**

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 Shelley Johnson, 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.

Peters/Helmuth, 6/0/0

At the request of the Board, Shelley Johnson, Deputy Attorney General presented additional evidence for the consideration of an unscheduled summary suspension. Donna Goch, Director for ISNAP was sworn in as a witness for the State. Ms. Goch testified that the Respondent's contract was closed due by mutual agreement between ISNAP and the Respondent. It was closed due to major medical problems of the Respondent. Ms. Goch testified that she felt the Respondent was not fit to work at this time. 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.

Peters/Helmuth, 6/0/0

**Ari Carl Davis, LPN, License No. 27047719A, Cause No. 2004 NB 0055**

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 Barclay Wong, Deputy Attorney General and the court reporter sworn in

for this matter was Lori Keen. Salli Christenson, Case Manager with ISNAP and Sharon Tabor, RN was sworn in as witnesses for the State. Ms. Tabor testified that the Respondent worked with another Nurse on a weekend shift at the end of this shift they found that 161 narcotics pills were missing. Both Nurses were suspended and following an investigation both were terminated. Ms. Tabor indicated that the facility felt the two Nurses were working together to divert the narcotics. Mr. Wong informed the Board that at the end of the investigation it was found that a total of 450 narcotics pills were missing. Ms. Christenson indicated that the Respondent had contacted ISNAP and went through the intake process and they never heard from him again. 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 days.

Peters/Shook, 6/0/0

**Jane Carter, RN, License No. 28094770A, Cause No. 2003 NB 0092**

Respondent did appear in person and was represented by C. Jack Clarkson 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. Valerie Cappis and Sandy Carmichael were sworn in as witnesses for the State. John Carter was sworn in as a witness for the Respondent. Ms. Cappis testified that she had received a complaint by a patient's husband that the Respondent had removed narcotics from their home. Sandy Carmichael testified that she was with another Nurse that opened the Respondent's charting folder and found bits of pills inside the folder. She said they sent it off for evaluation and the fragments were found to be two different narcotics. Ms. Carmichael informed the Board that the narcotics are to be destroyed in the home by the family of the patient. The Respondent testified to the Board that she did not take any kind of narcotics from anyone and that she did not know where those fragments came from. She told the Board that she is currently taking medication for depression. Mr. Carter testified that he is the Respondent's husband and he does not believe that his wife has ever been on drugs and that she is a very good nurse. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Helmuth/Slagle, 6/0/0

The Board further moved to RENEW the Respondent's license.

Helmuth/Slagle, 6/0/0

**James F. Spradling, RN, License No. 28117785A, Cause No. 2003 NB 0116**

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 Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent's ISNAP contract has been closed. The Attorney General's Office received a letter from the Respondent's personal Physician

that after a office visit from the Respondent an entire box of prescription pad were missing from her office. The Respondent has had action taken against his license in Nebraska for prescription forgery. Reciprocal discipline has been taken in Florida. 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 days.

Peters/Slagle, 6/0/0

**Cynthia Sue Nesbitt, LPN, License No. 27021232A, Cause No. 2003 NB 0162**

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 Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Carrie Morales was sworn in as a witness for the State. Marilyn Jenkins was sworn in as a witness for the Respondent. Ms. Morales testified that she saw the Respondent physically force a combative resident down the hall to his room. She indicated that she also saw the Respondent push the resident down onto his bed and lay across him so he couldn't get up. The Respondent admitted that her actions were wrong, but that she knew she had to remove the resident from that area so he couldn't continue to hit the other resident. She indicated that she had to lie across him until she could get some help to restrain him. This specific resident was known for his physical aggressive behavior with the staff and other residents. She said since this incident she has received professional and religious counseling. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to issue a LETTER OF REPRIMAND.

Peters/Slagle, 6/0/0

**Carolyn Ann Kronenberg, RN, License No. 28063973A, Cause No. 2004 NB 0004**

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 James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A verbal settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by James Holden, Deputy Attorney General. The agreement included INDEFINITE SUSPENISON 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 ACCEPT the agreement.

Peters/Helmuth, 6/0/0

**Susan Elizabeth Hursh, RN, License No. 28108683A, Cause No. 2004 NB 0062**

Respondent did 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. Donna Goch, Director for ISNAP was sworn in as a witness for the State. Ms. Goch testified the Respondent had a positive drug screen on January 21, 2004 for Methadone. In February 2004 the Respondent informed ISNAP that she was seeking her own treatment at a Methadone treatment center. At this time her contract with ISNAP was closed. Ms. Goch indicated that she feels the Respondent is an imminent risk to the public's health and safety should she be allowed to continue to practice. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this manner the Board moved to place the Respondent's license on SUMMARY SUSPENSION.

Peters/Slagle, 6/0/0

**Carla Dawn Neal, LPN, License No. 27024282A, Cause No. 2004 NB 0061**

Respondent did 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. Donna Goch, Director for ISNAP was sworn in as a witness for the State. Ms. Goch testified the Respondent had submitted a very dilute urine drug screen. Right after this the Respondent told ISNAP she had to leave the State for her Sister's funeral. During the time she told ISNAP she would be gone she was actually working. She administered narcotics four (4) times at work when she was on a narcotics restriction. She missed her January 2004 urine drug screen. The Respondent was seeking employment using an altered urine drug screen. The Respondent accepted a job offer after ISNAP told her not to work. Ms. Goch indicated the Respondent's contact was closed March 2, 2004 and believes she is an imminent risk to the public's health and safety should she be allowed to continue to work. 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.

Parker/Slagle, 6/0/0

**Deloris Jean Williams, LPN, License No. 27015123A, Cause No. 2004 NB 0060**

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. Donna Goch, Director for ISNAP was sworn in as a witness for the State. Ms. Goch testified the Respondent's contract with ISNAP has been closed for 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.

Helmuth/Shook, 6/0/0

Let the record reflect that Mervin Helmuth left for the day.



**Grace Marie Davis, LPN, License No. 27039368A, Cause No. 2003 NB 0152**

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. 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.

Peters/Shook, 5/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year and ordered the Respondent to receive an examination from a Board certified addictionologist and send a copy of the report to the Board.

Parker/Dye, 5/0/0

**Kimberly Sue Crady, LPN, License No. 27040208A, Cause No. 2002 NB 0060**

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 Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent committed renewal fraud by answering incorrectly one of the questions on his renewal application. She has been convicted of a crime and continued to practice while addicted to a controlled substance. 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.

Peters/Shook, 5/0/0

The Board further moved to place the respondent's license on INDEFINITE SUSPENSION for a period of one (1) year and ordered the Respondent to receive an examination from a Board certified addictionologist and send a copy of the report to the Board.

Peters/Parker, 5/0/0

**Mary Ruth Givens, RN, License No. 28136555A, Cause No. 2003 NB 0126**

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent has had a positive drug screen for drugs and alcohol. 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.

Peters/Slagle, 5/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year and ordered the Respondent to receive an examination from a Board certified addictionologist and send a copy of the report to the Board.

Peters/Parker, 5/0/0

**Frances E. Banks, LPN, License No. 27030371A, Cause No. 2003 NB 0129**

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 Sara Matticks, Deputy Attorney General and Laura Wilford, Deputy Attorney General. The Respondent sent a letter to the Board requesting a continuance of this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter.

Peters/Shook, 5/0/0

At the request of Sara Matticks, Deputy Attorney General the Board agreed to hear additional evidence for the consideration of an unscheduled summary suspension. The Respondent's contract with ISNAP has been closed for 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.

Peters/Shook, 5/0/0

**Lisa S. Simpson, RN, License No. 28120205A, Cause No. 2004 NB 0012**

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. The Respondent's Kentucky license has been suspended for diversion. The Respondent has not contacted ISNAP and has committed renewal fraud. 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.

Peters/Slagle, 5/0/0

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 pay a civil fine of \$250.00 with in thirty (30) days from the date of the order. The Board further ordered the Respondent to receive an examination by a Board certified addictionologists and send a copy of the report to the Board.

Slagle/Parker, 5/0/0

**Barbara June Wade, RN, License No. 28119835A, Cause No. 2003 NB 0131**

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 Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent's contract with ISNAP was closed for positive urine drug screens. 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.

Peters/Slagle, 5/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year and ordered the Respondent to receive an examination by a Board certified addictionologists and send a copy of the report to the Board.

Peters/Slagle, 5/0/0

**Jeanne Mary Sims, RN, License No. 28108844A, Cause No. 2003 NB 0084**

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. The Respondent requested a continuance of this matter and the Attorney General's Office did not object. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter.

Peters/Slagle, 5/0/0

**Brenda Carolyn Conley, LPN, License No. 27032336A, Cause No. 2003 NB 0124**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default/State's Motion for Leave to File Amended Complaint scheduled before the Board. Laura Wilford, Deputy Attorney General informed the Board that there were errors in the original complaint. She will amend the complaint and re-file it with the Board. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE that the complain be amended.

Peters/Parker, 5/0/0

**ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS**

The Board reviewed the following ALJ recommendations submitted by Celinda Kay Leach, R.N. from the January 20, 2004 hearings.

**Robyn Lynn Kellerman (Mast), LPN**

- Tabled until April 2004 meeting

Shannon Sue Brown, LPN

- The ALJ recommendation for Ms. Brown was to DENY her request to lift Probation. Ms. Brown filed an objection to the findings. The Board moved to allow Ms. Brown and the Attorney General's Office to submit Brief's on this matter.

CONSENSUS

Charlene R. Henderson, LPN

- The ALJ recommendation for Ms. Henderson's license was INDEFINITE SUSPENSION for a period of one (1) year. Ms. Henderson filed an objection to the findings and the Board gave Ms. Henderson and Barclay Wong, Deputy Attorney General, an opportunity to submit a brief on her objections. After reviewing the brief the Board moved to let the ALJ ruling stand.

Peters/Parker, 5/0/0

There being no further business, the meeting adjourned at 11:20 p.m.

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Laurie Peters, R.N., President

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Darla Jones, L.P.N., Secretary

