

INDIANA STATE BOARD OF NURSING
Thursday, March 17, 2011
Indiana Government Center-South
302 st Washington Street
Indianapolis, Indiana 46204

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Burghduff, L.P.N., President of the Indiana State Board of Nursing, called the meeting to order at 8:30 a.m. in the Auditorium of the Indiana Government Center South Building, 302 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum, in accordance with IC § 25-23-1-5(b).

Board Members Present:

Jerry Burghduff, L.P.N., President
Connie McIntosh, R.N., Secretary
Anne Ogle, Consumer Member
Scott Johns, R.N., C.R.N.A., Member
Marcia Laux, R.N., Member
Laurel Valentino, R.N., Member

Board Member Absent

Regina Haight, R.N., C.N.S., Member
Lynda Narwold, R.N., Vice-President

State Officials Present:

Sean Gorman, Board Director, Indiana Professional Licensing Agency
Lori Grice, Assistant Board Director, Indiana Professional Licensing Agency
Lisa Chapman, Litigation Specialist, Indiana Professional Licensing Agency
Gordon White, Nursing Board Advisory Counsel, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda as amended in the highlighted items below.

VALENTINO/MCINTOSH
Motion carried 6-0-0.

III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 17, 2011 MEETING OF THE BOARD

A motion was made and seconded to adopt the February 17, 2011 Nursing Board Meeting Minutes.

MCINTOSH/LAUX
Motion carried 5-0-1

IV. INDIANA STATE NURSES ASSISTANCE PROGRAM

Chuck Lindquist, ISNAP Program Director, presented the monthly report to the Board. Mr. Lindquist informed the Board that ISNAP has, as of February 1, 2011, 573 active clients, 14 new intakes, 46 intakes in process, 20 closures in monitoring and 21 new Recovery Monitoring Agreements returned.

Mr. Lindquist presented copies of an article titled: "Helping Nurses Fight Addiction Also Helps Their Patients."

Mr. Lindquist addressed the attendees at the Board Meeting at the request of the Board President and described the nature of the ISNAP program, which provides monitoring and assessment / treatment referral services to nurses licensed in Indiana who meet the program's monitoring criteria.

V. DISCUSSION

A. Suboxone use by licensees / ISNAP participants.

Discussion regarding situation encountered recently by the Board for licensees who were required to complete ISNAP prior to eligibility for withdrawal of probation and who successfully completed ISNAP but began addiction treatment with Suboxone prior to requesting the withdraw hearing – The Board may either approve or deny the request to withdraw the probation at the withdraw hearing, but may modify the terms of the existing probation to address the suboxone use issue if the licensee agrees.

B. Personal appearances – new/renewal applicants.

Board staff is now identifying and scheduling for personal appearances new license applicants who have attempted and failed on three or more previous attempts to pass the NCLEX or who have graduated from nursing school more than 3 years prior to application for licensure. Discussion on guidance for staff on what to inform applicants in this situation will continue.

C. Genevieve York – Requesting renewal of licensure – Has decided that she will no longer agree to a probationary license per ALJ recommendation from a personal appearance conducted on March 3, 2011.

Ms. York previously appeared before the Board's ALJ on March 3, 2011 on her renewal application and agreed to a probationary license. She did not appear at this meeting but sent correspondence to the Board informing of her decision to not accept a probationary license. A motion was made and seconded to deny her renewal application.

BURGHDIFF/LAUX
Motion Carried 6-0-0.

D. Prescriptive authority for home-birth nurse midwives

Representatives from a practice offering home birth nurse midwifery services requested the opportunity to highlight their concerns regarding the requirements for prescriptive authorization and their difficulty in locating collaborating physicians for this license.

E. CRNA Discussion

This matter will be discussed at a future Board meeting per Mr. John's request.

VI. BOARD DIRECTOR REPORT

Mr. Gorman reminded the Board Members of the upcoming Salute to Nurses event and deferred the rest of his report as much of the substance had already been discussed under the Discussion portion of the Agenda.

VII. PERSONAL APPEARANCES

Personal Appearance applicants will meet in the Auditorium but will be conducted by one or more Board Members in another conference center room concurrently with the administrative hearings scheduled for 8:45 a.m. The Board Member(s) conducting the personal appearance interviews will make recommendations to the full Board regarding their applications at the end of the full Board Meeting.

A motion was made and seconded to approve the following actions on applications for licensure based on personal appearance:

BURGHDIFF/MCINTOSH
Motion Carried 6-0-0.

A. Appearances by Applicants for Licensure

1. Terrie Lemley Endorsement
Ms. Lemley did not appear before the Board regarding her application for licensure. Ms. Laux recommended that her application be denied.
2. Tenisha Pinner Examination
Ms. Pinner appeared before the Board regarding her application for licensure. She reported a 2009 conviction for misdemeanor conversion. She also reported termination from employment as a CNA in 2007 and 2009. Ms. Laux recommended that she be made eligible to test and that she be issued on a probationary status for at least 6 months with 2 quarterly employer reports.
3. Richard Donoho Examination
Mr. Donoho appeared before the Board regarding his application for licensure. He reported 2006 and 2007 terminations for alleged abuse of a resident at his place of employment. He also reported 2002 treatment for alcohol abuse. Ms. Laux recommended that he be issued free and clear.
4. Cristita Paterno Endorsement
Ms. Paterno appeared before the Board regarding her application for licensure by endorsement. She reported a 2010 conviction for elder abuse/financial issue regarding a situation where she used a patient's credit card. Ms. Laux recommended that her application be denied.
5. Erika Fox Endorsement
Ms. Fox did not appear before the Board regarding her application for licensure by endorsement. She has been previously scheduled before the Board regarding her participation in Texas' peer assistance program. Ms. Laux recommended that her application be denied.
6. Michelle Myers Additional CSR License number 71002191A
Ms. Myers appeared before the Board regarding her application for a new CSR. She received a criminal conviction for obtaining a controlled substance by fraud. She is on criminal probation until 2010. She completed an ISNAP RMA since the original charge and there is a current investigation in the Attorney General's office. Ms. Laux recommended that she be issued free and clear.
7. Nicole Oviatt Examination
Ms. Oviatt appeared before the Board regarding her application for licensure. She disclosed multiple alcohol related convictions. Ms. Laux recommended that she be permitted to sit for the exam and that she be issued on a probationary status for at least the duration of an ISNAP RMA.

8. Maigen Martin
Examination
Ms. Martin appeared before the Board regarding her application for licensure. She disclosed a 2000 minor consumption and a 2007 DUI conviction. Ms. Laux recommended that she be made eligible to test and that she be issued free and clear upon passing.
9. Ruth Malone
Endorsement
Ms. Malone appeared before the Board regarding her application for licensure by endorsement. She had prior convictions in 1988, 1990, and 1991 for which she was previously disciplined by the KY board but has met all of those requirements. Ms. Laux recommended that she be made eligible to test and that she be issued free and clear.
10. Elizabeth Sharpe Examination – 5 previous failures
Ms. Sharpe appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 5 times since 2009. Ms. Laux recommended that her application be denied.
11. LaRita Jenkins Examination – 3 previous failures
Ms. Jenkins appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 3 times since graduation from her nursing program in 2007. Ms. Laux recommended that her application be tabled until she submits proof of completing an NCLEX preparatory course.
12. Amber Jennings Examination – 3 previous failures
Ms. Jennings appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 3 times since graduation in June of 2010. Ms. Laux recommended that her application be tabled until she submits proof from ATI that she is at or above the 95th percentile of passing the
13. Tara Wireman Examination – 6 previous failures
Ms. Wireman did not appear before the Board regarding her application for licensure. Ms. Laux recommended that her application be denied.
14. Keesha Bryant Examination – 3 previous failures
Ms. Bryant appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 3 times since graduation from her nursing program in 2010. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.
15. Katherine Warrick Examination – 4 previous failures
Ms. Warrick appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 4 times since her graduation from her program in 2009. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.
16. Brandi Fisher Examination – 3 previous failures, completed nursing school 8/2004
Reschedule.
17. Shelida Maxison Examination – 3 previous failures
Ms. Maxison appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 3 times since graduation in 2010. She has previously appeared before the Board regarding her felony conviction for fraud and forgery. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.
18. Melissa Puterbaugh Examination – completed nursing school 4/1994
Ms. Puterbaugh appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 6 times since graduation in 1994. Ms. Laux recommended that her application be denied.
19. Amanda Patton Examination – 5 previous failures, completed nursing school in 2000
Ms. Patton appeared before the Board regarding her application for licensure. She has failed the prelicensure exam 6 times since graduation from her nursing program in 2000. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.
20. Adrienne Baelze Examination – 5 previous failures

Ms. Baelze appeared before the Board regarding her application for licensure. She has failed the precensure exam 5 times since her graduation from her nursing program in 2009. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.

21. Lindsey Marks Examination – 3 previous failures
Ms. Marks appeared before the Board regarding her application for licensure. She has failed the precensure exam 3 times since her graduation from her nursing program. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.
22. Rayta Trumble Examination – 5 previous failures
Ms. Trumble denied.
23. Melissa Redding Examination – 6 previous failures
Ms. Redding appeared before the Board regarding her application for licensure. She has failed the precensure exam 6 times since her graduation from her nursing program. Ms. Laux recommended that her application be tabled until she submits documentation from her test prep provider regarding her likelihood of passing the exam.
24. Valerie Otte
Examination
Ms. Otte appeared before the Board regarding her application for licensure. She reported 1999 and 2009 convictions for OWI. Ms. Laux recommended that she contact ISNAP and follow through with an ISNAP RMA if eligible. She will be made eligible and will be issued free and clear upon passing.
25. Mary Robinson Examination – completed nursing school in 2000
Ms. Robinson appeared before the Nursing Board regarding her application for initial licensure. She has previously examined on seven occasions since graduation from her nursing program in 2000. Ms. Laux recommended that her application for licensure be denied.

B. Appearances by Applicants for Renewal

1. Cornelia Wilder License number: 27062025A
Ms. Wilder appeared before the Nursing Board regarding her application for renewal of licensure. She disclosed a termination from a facility for leaving without authorization. Ms. Laux recommended that her license be renewed.
2. Teresa Clark License number: 27054417A
Ms. Clark appeared before the Nursing Board regarding her application for renewal of licensure. She disclosed a 2009 DUI conviction. Kansas reports a 2009 denial of licensure renewal which Ms. Clark disputes. Ms. Laux recommended that her renewal application be denied.
3. Jill Webb License number: 71001927A
Ms. Webb appeared before the Nursing Board regarding her application for prescriptive authority. She disclosed participation in the KARE program. She is currently in a reciprocal RMA. Ms. Laux recommended that the license be issued upon documentation of having met all of the compliance requirements for ISNAP.
4. Kelly Bussey License number: 28155757A **Reschedule**
Deny.
5. Pamela Ward License number: 27042779A
Ms. Ward appeared before the Board regarding her application for license renewal. She disclosed that she has been practicing on an expired license since 2008. Ms. Laux recommended that the matter be referred to the Attorney General's office for investigation.

VIII. ADMINISTRATIVE HEARINGS

The following hearings are scheduled to begin at 9:00 a.m. Cases will be heard on order of arrival, with the exception of agreements, which will be heard first. A sign-up sheet will be available at 8:00 a.m.

A. In the Matter of the License of: Michael Wayne Kee, L.P.N., License No. 27056002A

Administrative Cause No. 2010 NB 247
Re: Disciplinary Hearing

Parties and Counsel Present:
Respondent was not present.

David Fleishhacker, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The State of Indiana filed a complaint against Respondent's license with the Board on November 17, 2010. A motion was made and seconded to issue a notice of proposed default to Respondent for his failure to appear at this scheduled hearing.

LAUX/BURGHDUFF
Motion Carried 5-0-0

- B. In the Matter of the License of: Daniela Joyce, R. N., License No. 28121584A**
Administrative Cause No. 2009 NB 220
Re: Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The Board placed the Respondent's license on indefinite probation in its order issued October 26, 2010. Following this hearing, a motion was made and seconded to withdraw the probation on the Respondent's license.

VALENTINO/JOHNS
Motion Carried 5-0-0

- C. In the Matter of the License of: Belinda Slone, L.P.N., License No. 27050918A** CONTINUED
Administrative Cause No. 2008 NB 182
Re: Order to Show Cause

- D. In the Matter of the License of: Nancy Polanco, L.P.N., License No. 27041522A**
Administrative Cause No. 2010 NB 257
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was not present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Laux
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The Board placed Respondent's license on probation in its decision on application to renew licensure issued November 30, 2010. An order to show cause was issued by the Board on February 28, 2011. A motion was made and seconded to issue a notice of proposed default order to Respondent for her failure to appear at this scheduled hearing.

LAUX/BURGHDUFF
Motion Carried 5-0-0

- E. In the Matter of the License of: Lolita Esposito, R.N., License No. 28134618A**
Administrative Cause No. 2010 NB 277

Re: Pre-Hearing Settlement Conference

- F. In the Matter of the License of: Clarissa McDaniel, L.P.N., License No. 27059649A**
Administrative Cause No. 2009 NB 019
Re: Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its decision on license renewal application filed February 11, 2009. Following this hearing, a motion was made and seconded to deny Respondent's request to withdraw the probationary status from her license.

BURGHDUFF/VALENTINO
Motion Carried 5-0-0

- G. In the Matter of the License of: Tonya Monique Daniels, L.P.N., License No. 27047464A**
Administrative Cause No. 2010 NB 088
Re: Request to Reinstate

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The Board placed Respondent's license on indefinite suspension in its order issued June 17, 2010 and as amended on September 15, 2010. Following this hearing, a motion was made and seconded to reinstate Respondent's license on indefinite probation for at least the length of her ISNAP RMA.

BURGHDUFF/VALENTINO
Motion Carried 5-0-0

- H. In the Matter of the License of: Shonda Marie Scheiber, L.P.N., License No. 27046670A**
Administrative Cause No. 2007 NB 0126
Re: Request to Reinstate

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: A motion was made and seconded to continue this hearing to the June full Board meeting.

BURGHDUFF/VALENTINO
Motion Carried 5-0-0

I. In the Matter of the License of: Gretchen Reinhart (Reddy), R.N., License No. 28192157A

Administrative Cause No. 2010 NB 284

Re: ~~Proposed Settlement Agreement~~
Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.

David Fleishhacker, Deputy Attorney General on behalf of the State of Indiana.

Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Mr. Johns

Ms. Valentino

Ms. Haight

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its order issued July 20, 2010. Following this hearing, a motion was made and seconded to deny Respondent's request to withdraw the probationary status from her license. Respondent agrees to a modification of probation that will require her to sign a new RMA and be in full compliance for at least one year prior to future eligibility for withdraw of probation.

BURGHDUFF/VALENTINO

Motion Carried 5-0-0

J. In the Matter of the License of: Elizabeth Howard Owens, R.N., License No. 28187034A

Administrative Cause No. 2009 NB 273

Re: Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.

Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Mr. Johns

Ms. Valentino

Ms. Haight

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its order issued September 10, 2009. Following this hearing, a motion was made and seconded to withdraw the probationary status from Respondent's license.

VALENTINO/JOHNS

Motion Carried 5-0-0

K. State of Indiana v Thomas Edward Eller, L.P.N., License No. 27045058A **Reschedule**

Administrative Cause No. 2001 NB 0068

Re: Request to Withdraw Probation

The following hearings are scheduled to begin at 1:30 pm. Cases will be heard on order of arrival, with the exception of agreements, which will be heard first.

L. In the Matter of the License of: Sherri Groce, L.P.N., License No. 27027200A

Administrative Cause No. 2011 NB 031

Re: Disciplinary Hearing - Continued.

M. State of Indiana v Shawn Elaine Windle, R.N., License No. 28138098A

Administrative Cause No. 2006 NB 0116

Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present.

Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The Board reinstated Respondent's license on indefinite probation in its order issued May 27, 2009. The Board filed an order to show cause on February 28, 2011. Following the hearing, a motion was made and seconded to place the Respondent's license on indefinite suspension for at least one year of compliance with an ISNAP RMA.

OGLE/BURGHDUFF
Motion Carried 5-0-0

N. State of Indiana v Deborah Ann Kolb (Pinkham), R.N., License No. 28139832A

Administrative Cause No. 2004 NB 0197
Re: Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its order issued April 27, 2009. Following this hearing, a motion was made and seconded to withdraw the probationary status from Respondent's license.

BURGHDUFF/VALENTINO
Motion Carried 6-0-0

O. In the Matter of the License of: Michael Gashti, R.N., License No. 28136012A

Administrative Cause No. 2010 NB 001
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its order issued January 8, 2010. The Board issued an order to show cause to the Respondent on February 28, 2011. Following this hearing, a motion was made and seconded to place Respondent's license on indefinite suspension for at least one year of full compliance with an ISNAP RMA.

BURGHDUFF/VALENTINO
Motion Carried 6-0-0

P. In the Matter of the License of: Joel Ganz, R. N., License No. 28135425A

Administrative Cause No. 2010 NB 200

Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present.
David Fleishhacker, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its order issued August 27, 2010. The Board issued an order to show cause to the Respondent on February 28, 2011. Following this hearing, a motion was made and seconded to place Respondent's license on indefinite suspension for at least one year of full compliance with an ISNAP RMA.

BURGHDUFF/VALENTINO
Motion Carried 6-0-0

Q. State of Indiana v Sherrie Kay Hansen, R.N. License No. 28120482A

Administrative Cause No. 2005 NB 0005
Re: Request to Modify Suspension

Parties and Counsel Present:

Respondent was present.
Christa Jewsbury, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite suspension in its order issued August 31, 2006. Following this hearing, a motion was made and seconded to deny Respondent's request to modify that suspension order.

MCINTOSH/LAUX
Motion Carried 6-0-0

R. In the Matter of the License Renewal Application of: Sherry Furgerson, L.P.N., License No. 27037352A

Administrative Cause No. 2011 NB 059
Re: Petition for Review of Decision to Deny License Renewal

Parties and Counsel Present:

Respondent was present.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board denied Respondent's renewal application at a personal appearance conducted on February 17, 2011. Following this hearing, a motion was made and seconded to set aside that denial and at Respondent's agreement, renew Respondent's license on indefinite probation with the requirement that she complete at least 24 contact hours of continuing education for nurses within 90 days.

BURGHDUFF/LAUX

Motion Carried 6-0-0

S. In the Matter of the License Renewal Application of: Cathy Lozier, L.P.N., License No. 27043933A

Administrative Cause No. 2011 NB 070

Re: Petition for Review of Decision to Deny License Renewal

Parties and Counsel Present:

Respondent was present.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Mr. Johns

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The Board denied Respondent's renewal application at a personal appearance conducted on February 17, 2011. Following this hearing, a motion was made and seconded to set aside that denial and to renew Respondent's license.

BURGHDUFF/LAUX

Motion Carried 6-0-0.

T. In the Matter of the License of: Katigan Whitlock, R.N., License No. 28128387A

Administrative Cause No. 2010 NB 138

Re: Motion for Leave to File Amended Complaint
Disciplinary Hearing

Parties and Counsel Present:

Respondent was present.

David Fleishacker, Deputy Attorney General on behalf of the State of Indiana.

Chuck Lindquist, Witness for State.

Stacy Wines, Witness for State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Mr. Johns

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: A motion was made to continue this hearing and to extend the emergency suspension order against Respondent's license.

BURGHDUFF/MCINTOSH

Motion Carried 6-0-0

U. In the Matter of the License of: Stephanie Gill, R.N., License No. 28159762A

Administrative Cause No. 2010 NB 166

Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.

Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement on March 8, 2011 that would issue a Letter of Reprimand and a \$250 fine to Respondent and also require her to complete at least 48 contact hours of CE for nurses. A motion was made and seconded to adopt the proposed settlement agreement as the final disposition of this matter.

BURGHDUFF/LAUX
Motion Carried 5-0-0

- V. **In the Matter of the License of: Jill Gernon, R.N., License No. 28157033A**
Administrative Cause No. 2009 NB 098
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present.
Mark Mader, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in ist order issued September 10, 2009. The Board issued an order to show cause on March 9, 2011. Following this hearing, a motion was made and seconded to place Respondent's license on indefinite suspension for at least one year of full compliance with an ISNAP RMA.

BURGHDUFF/VALENTINO
Motion Carried 6-0-0

- W. **In the Matter of the License of: Debra Noreen Coffey, L.P.N., License No. 27014745A**
Administrative Cause No. 2009 NB 108
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present.
Mark Mader, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in ist order issued August 26, 2009. The Board issued an order to show cause on March 9, 2011. A motion was made and seconded to issue a notice of proposed default to Respondent for her failure to appear at the scheduled hearing.

BURGHDUFF/VALENTINO
Motion Carried 5-0-0

A motion was made and seconded to place Respondent's license on an emergency suspension status for 90 days.

BURGHDUFF/VALENTINO
Motion Carried 5-0-0.

- X. **In the Matter of the License of: Monica Smith, L.P.N., License No. 27064873A**
Administrative Cause No. 2010 NB 070
Re: Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for the Respondent.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh
Mr. Johns
Ms. Valentino
Ms. Haight

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in ist order issued March 30, 2010. Following this hearing, a motion was made and seconded to withdraw the probation from Respondent's license.

BURGHDIFF/VALENTINO
Motion Carried 5-0-0

Y. In the Matter of the License of: Alivia Scott R. N., License No. 28192322A

Administrative Cause No. 2010 NB 148
Re: Request to Withdraw Probation - Rescheduled

Z. In the Matter of the License of: Kimberly Weaver, R.N., License No. 28076669A

Administrative Cause No. 2011 NB 030
Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.
Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement with the Board on March 10, 2011 that would issue a Letter of Reprimand to Respondent and issues a \$4000 fine to be paid within 18 months. A motion was made and seconded to adopt the proposed settlement agreement as final disposition of the matter.

LAUX/OGLE
Motion Carried 5-0-0

AA. In the Matter of the License of: Bridget Whalen, R.N., License No. 28156940A

Administrative Cause No. 2011 NB 016
Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.
Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement with the Board on March 10, 2011 that would place Respondent's license on indefinite probation, issues a \$500 fine, and requires the completion of at least 36 contact hours of CE for nurses. A motion was made and seconded to adopt the proposed settlement agreement as final disposition of the matter.

LAUX/MCINTOSH
Motion Carried 5-0-0

BB. In the Matter of the License of: Emily Marie Gregory, R.N., License No. 28169964A

Administrative Cause No. 2011 NB 001
Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.

Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement with the Board on March 14, 2011 that would place Respondent's license on indefinite suspension for at least 6 months of compliance with an ISNAP RMA and completion of a nursing refresher course prior to eligibility for reinstatement. A motion was made and seconded to adopt the proposed settlement agreement as final disposition of the matter.

BURGHDUFF/LAUX

Motion Carried 5-0-0

CC. In the Matter of the License of: Rita Mills Flynn, R.N., License No. 28090310A

Administrative Cause No. 2011 NB 003

Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.

Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement with the Board on March 11, 2011 that would place Respondent's license on indefinite probation for at least one year with quarterly employer reports and issues a \$500 fine, and requires completion of at least 6 contact hours of CE for nurses. A motion was made and seconded to adopt the proposed settlement agreement as final disposition of the matter.

LAUX/MCINTOSH

Motion Carried 5-0-0

DD. In the Matter of the License of: Laurel Renee Adair, R.N., License No. 28101418A

Administrative Cause No. 2011 NB 015

Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.

Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement with the Board on March 11, 2011 that would place Respondent's license on indefinite probation, requires payment of a \$250 fine and completion of at least 12 contact hours of CE for nurses. A motion was made and seconded to adopt the proposed settlement agreement as final disposition of the matter.

VALENTINO/LAUX

Motion Carried 5-0-0

EE. In the Matter of the License of: Amy Yvonne Retz, R.N., License No. 28080455A

Administrative Cause No. 2010 NB 275

Re: Proposed Settlement Agreement - Rescheduled

FF. In the Matter of the License of: Julie S. Davis, L.P.N., License No. 27025149A

Administrative Cause No. 2010 NB 278

Re: Proposed Settlement Agreement - rescheduled

GG. In the Matter of the License of: Brenda Sue Roush, R.N., License No. 28103005A

Administrative Cause No. 2010 NB 283

Re: Proposed Settlement Agreement

Parties and Counsel Present:

Respondent was not present.

Christa Jewsbury, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The parties filed a proposed settlement agreement with the Board on March 10, 2011 that would issue a Letter of Reprimand to Respondent and issues a \$250 fine and requires completion of at least 36 contact hours of CE for nurses. A motion was made and seconded to adopt the proposed settlement agreement as final disposition of the matter.

BURGHDUFF/LAUX

Motion Carried 5-0-0

IX. DEFAULT HEARINGS

A. In the Matter of the License of: April Dawn Hughes, R.N., License No. 28149040A

Administrative Cause No. 2009 NB 157

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.

Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. McIntosh

Ms. Valentino

Ms. Haight

Ms. Laux

Case Summary and Board Action: The Board issued a notice of proposed default to Respondent on February 24, 2011 for her failure to appear at the January 20, 2011 hearing as scheduled. No response was received by the Board. A motion was made and seconded to hold Respondent in default.

BURGHDUFF/LAUX

Motion Carried 5-0-0.

Following the State's presentation of facts, a motion was made and seconded to place Respondent's license on indefinite suspension for at least one year, issues a \$250 fine in addition to costs to the PLA and the AG's offices, and requires completion of at least 24 contact hours of CE for nurses.

BURGHDUFF/LAUX

Motion Carried 5-0-0.

B. In the Matter of the License of: Melissa Parks, L.P.N, License No. 27044817A

Administrative Cause No. 2008 NB 184

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.

Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board issued a notice of proposed default to Respondent on February 24, 2011 for her failure to appear at the January 20, 2011 hearing as scheduled. No response was received by the Board. A motion was made and seconded to hold Respondent in default.

LAUX/VALENTINO
Motion Carried 5-0-0.

Following the State's presentation of facts, a motion was made and seconded to place Respondent's license on indefinite suspension and issues a \$500 fine.

LAUX/VALENTINO
Motion Carried 5-0-0.

C. In the Matter of the License of: Brooke Bailey, L.P.N., License No. 27062579A

Administrative Cause No. 2008 NB 147

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.
Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board issued a notice of proposed default to Respondent on February 24, 2011 for her failure to appear at the January 20, 2011 hearing as scheduled. No response was received by the Board. A motion was made and seconded to hold Respondent in default.

BURGHDUFF/OGLE
Motion Carried 5-0-0.

Following the State's presentation of facts, a motion was made and seconded to place Respondent's license on indefinite suspension for at least 18 months of compliance with an ISNAP RMA and issues a \$500 fine.

BURGHDUFF/LAUX
Motion Carried 5-0-0.

D. In the Matter of the License of: Julie Redmon, L.P.N., License No. 27053735A

Administrative Cause No. 2010 NB 276

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.
David Fleishhacker, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board issued a notice of proposed default to Respondent on February 24, 2011 for her failure to appear at the January 6, 2011 hearing as scheduled. No response was received by the Board. A motion was made and seconded to hold Respondent in default.

LAUX/VALENTINO
Motion Carried 5-0-0.

Following the State's presentation of facts, a motion was made and seconded to place Respondent's license on indefinite suspension for at least one year of compliance with an ISNAP RMA, issues a \$500 fine in addition to costs to the PLA and the AG's offices, and requires completion of at least 36 contact hours of CE for nurses.

BURGHDUFF/LAUX
Motion Carried 5-0-0.

E. In the Matter of the License of: Cara Beth Diaz, R.N., License No. 28161202A
Administrative Cause No. 2010 NB 284
Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.
David Fleishhacker, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board issued a notice of proposed default to Respondent on March 9, 2011 for her failure to appear at the January 6, 2011 hearing as scheduled. No response was received by the Board. A motion was made and seconded to hold Respondent in default.

LAUX/MCINTOSH
Motion Carried 5-0-0.

Following the State's presentation of facts, a motion was made and seconded to place Respondent's license on indefinite suspension for at least one year of compliance with an ISNAP RMA and issues a \$500 fine in addition to costs to the PLA and the AG's offices.

VALENTINO/LAUX
Motion Carried 5-0-0.

F. In the Matter of the License of: Christina Pedigo, L.P.N., License No. 27054745A
Administrative Cause No. 2010 NB 130
Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.
Darren Covington, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. McIntosh
Ms. Valentino
Ms. Haight
Ms. Laux

Case Summary and Board Action: The Board issued a notice of proposed default to Respondent on March 4, 2011 for her failure to appear at the February 17, 2011 hearing as scheduled. No response was received by the Board. A motion was made and seconded to hold Respondent in default.

BURGHDUFF/VALENTINO
Motion Carried 5-0-0.

Following the State's presentation of facts, a motion was made and seconded to place Respondent's license on indefinite suspension for at least 5 years, with 2 years of compliance with an ISNAP RMA immediately preceding a request to reinstate.

BURGHDUFF/LAUX
Motion Carried 5-0-0.

X. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS FROM MARCH 3, 2011 ALJ MEETING

Appearances by Applicants for Renewal

1. Genevieve York

license number: 27043480A

Ms. York appeared before the Board regarding her application for renewal of licensure. She reported no terminations but the Board received a report from the Medicaid Fraud Control Unit about a termination in 2010. She did not report a previous termination from the same facility. Ms. Narwold recommended that her license be renewed on a probationary status for at least one year with quarterly reports from any nursing employer, self reports if self employed, and that she complete at least 24 contact hours of CE for nurses, 8 each in legal ethical issues, medication administration, and pharmacology within 60 days.

2. Amy Cinette Nowling license number: 27047903A
Renewed.
3. Larry Hardiman license number: 27010700A
Mr. Hardiman did not appear before the Board regarding his application for renewal of licensure. Ms. Narwold recommended that his renewal application be denied.

Appearances by Applicants for New License

4. Precious Booker – Examination denied 9/2010
Ms. Booker appeared before the Board regarding her application for licensure. Her previous application before the Board had been denied based in part on circumstances surrounding a 2003 criminal conviction for domestic battery. Ms. Booker presented the Board with a copy of an MMPI-2 assessment done at the suggestion of the Board during the previous personal appearance. Ms. Narwold recommended that she be made eligible to test and will be issued free and clear upon passing.
5. Bradford Whitehead – Endorsement
Mr. Whitehead appeared before the Board regarding his application for licensure. He disclosed a 2011 conviction for OWI. He is currently in a criminal first offense diversion program. Ms. Narwold recommended that he be issued free and clear.
6. Beverly Lowery – Examination
Ms. Lowery appeared before the Board regarding her application for licensure. She disclosed 3 OWI convictions in 1988 and 1998. She reports her date of sobriety as 1998 and remains active in AA meetings and serves as a sponsor. Ms. Narwold recommended that she contact ISNAP and that she sign an RMA if eligible. She will be issued free and clear.
7. Jessica Chilcoate - Examination
Ms. Chilcoate appeared before the Board regarding her application for initial licensure. She reported a 2005 conviction for OWI and a 2008 arrest for public intoxication. Ms. Narwold recommended that she be issued free and clear.
8. Teresa Steingass – Endorsement
Ms. Steingass did not appear before the Board regarding her application for licensure. She submitted a letter to the Board requesting that her application be withdrawn. Ms. Narwold recommended that this applicant be allowed to withdraw her application.
9. Crystal Catlin – Examination
Ms. Catlin appeared before the Board regarding her application for licensure. She reported 2009 treatment for substance abuse/dependence. She discloses a sobriety date of July in 2009 and active participation in AA. Ms. Narwold recommended that she contact ISNAP and sign an RMA if eligible. She will be issued free and clear upon passing.
10. William Mitchell – Examination
Mr. Mitchell appeared before the Board regarding his application for licensure. He reported a 2005 and 2006 arrests on marijuana and public intoxication charges. Ms. Narwold recommended that he be made eligible to test, that he contact ISNAP and sign an RMA if eligible. He will be issued free and clear upon passing.
11. Quinn Mosley – examination
Mr. Mosley did not appear before the Board regarding his application for licensure. Ms. Narwold recommended that his application be denied.
12. James Bittner – examination
Mr. Bittner appeared before the Board regarding his application for licensure. He reported a 2010 conviction for OWI for which he is on criminal probation until 2011. Ms. Narwold recommended that he be made eligible to test and issue free and clear upon passing.
13. Victoria Davis – Endorsement
Reschedule.
14. Justin Lord – examination

Mr. Lord appeared before the Board regarding his application for licensure. He reported a 2006 arrest for OWI and a 2009 conviction for public intoxication. He has completed all terms of criminal probation. Ms. Narwold recommended that he contact ISNAP and sign an RMA if eligible. He will be issued free and clear.

15. Tonni Drake – examination Reschedule for March 17

16. David White - Examination

Mr. White appeared before the Board regarding his application for licensure by examination. He disclosed a 2001 arrest for attempted theft, a 2002 trespassing charge, a 2007 contempt of court charge, and a disorderly conduct charge in 2008. Ms. Narwold recommended that he be issued free and clear.

Administrative Hearings

- A. In the Matter of the License of: Andrew Quiber, R.N., License No. 28163169A**
Administrative Cause No. 2011 NB 025
Re: Pre-Hearing Settlement Conference
- B. In the Matter of the License of: Staci Heflin, L.P.N., License No. 27040953A**
Administrative Cause No. 2010 NB 168
Re: Pre-Hearing Settlement Conference
- C. In the Matter of the License of: Jama Lynn Cauthen, L.P.N., License No. 27051679A**
Administrative Cause No. 2011 NB 026
Re: Pre-Hearing Settlement Conference
- D. In the Matter of the License of: Delores Kidwell, R.N., License No. 28048866A**
Administrative Cause No. 2011 NB 027
Re: Pre-Hearing Settlement Conference
Request to postpone
- E. In the Matter of the License of: Hannah Winkler, L.P.N., License No. 27060844A**
Administrative Cause No. 2011 NB 028
Re: Pre-Hearing Settlement Conference
Requested Telephonic Conference
- F. In the Matter of the License of: Valynnda Bennett, R.N. License No. 28180561A**
Administrative Cause No. 2011 NB 029
Re: Pre-Hearing Settlement Conference
- G. In the Matter of the License of: Kimberly Weaver, R.N., License No. 28076669A**
Administrative Cause No. 2011 NB 030
Re: Pre-Hearing Settlement Conference
- H. In the Matter of the License of: Dara Collins, R.N., License No. 28166522A**
Administrative Cause No. 2010 NB 253
Re: Pre-Hearing Settlement Conference
- I. The State of Indiana v. Leann Kay Pryor, R.N., License No. 28092034A** CONTINUED
Administrative Cause No. 2007 NB 081
Re: Request to Withdraw Probation
- J. In the Matter of the License of: Amie Selke, R.N., License No. 28175968A**
Administrative Cause No. 2007 NB 085
Re: Request to Withdraw Probation

Parties and Counsel Present:

Respondent was present.
Patricia Gibson, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness for Respondent.

Participating Board Members:

Mr. Burghduff (ALJ)

Case Summary and Board Action: The Board placed Respondent's license on probation in its order issued July 2, 2007. Following the hearing, Mr. Burghduff recommended that the Board deny Respondent's request to withdraw probation and that she be re-evaluated by ISNAP.