

INDIANA STATE BOARD OF NURSING

Met on
Thursday, November 15, 2012
at 8:30 a.m.
in the Auditorium of the
Indiana Government Center-South
302 West Washington Street
Indianapolis, Indiana 46204

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

8:30 a.m.

Ms. McIntosh, R.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, 302 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum, in accordance with IC § 25-23-1-5(b).

Board Members Present:

Constance McIntosh, R.N., President
Marcia Laux, R.N. Vice President
Jerry Burghduff, L.P.N., Member
Kim Cooper, R.N., Member
Natalie Hall, R.N., Member
Lynda Narwold, R.N., Member
Anne Ogle, Consumer Member
Holly Presley, L.P.N., Member

Board Member(s) Absent:

Karen Dolk, R.N., Secretary

State Officials Present:

Elizabeth Kiefner Crawford, Board Director, Indiana Professional Licensing Agency
Carri Burke, Compliance Director, 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. Burghduff/Laux 8-0-0, motion carries

III. ADOPTION OF THE MINUTES FROM THE OCTOBER 18, 2012 MEETING OF THE BOARD

A motion was made and seconded to adopt the October 18, 2012 minutes. Laux/Hall, 7-0-1, motion carries (Ogle abstains)

IV. INDIANA STATE NURSES ASSISTANCE PROGRAM

Chuck Lindquist presented on behalf of ISNAP. They are receiving good feedback for the new case management system. They ran an INSPECT report in the second quarter on all nurses with encumbered licenses. Out of the 228 with encumbered licenses, 199 had no INSPECT activity; 11 had informed ISNAP of a prescription; 11 had 1 or 2 prescriptions without pattern of abuse; 5 were closed out of ISNAP and 2 had OTSC issued for them. ISNAP reports 40 RMA's returned this month, which is the highest in 7 years. Ms. McIntosh asked Mr. Klein about the transition in his position given his retirement. Mr. Klein indicated they have signed a shared services agreement with the Ohio State Nurses Association and that individual will serve as the CEO of the ISNA. They also have new policy director named Blayne Miley. Mr. Klein reports that ISNA will remain incorporated in the State of Indiana with an Indiana elected Board of Directors. Ms. Ogle asked about how this will affect ISNAP. Mr. Klein indicated she will monitor ISNAP via email and technology and that Mr. Miley will be taking care of the invoicing. Ms. Ogle indicated concerns that the new employee will be half-time. Will she be able to support the ISNAP program in same manner? Mr. Klein indicated he provided very little oversight for ISNAP and left most of it to Mr. Lindquist. Ms. Ogle then asked about having the new system in place- has there been an increase in employee efficiencies since the system has been in place? Mr. Lindquist indicated it has allowed case managers to respond in a much timelier basis and provides better oversight for a smaller case load. Mr.

Lindquist also spoke as to the ability to quickly run reports and have alerts on licensees after 3 days of not calling into the system. Mr. Klein was thanked for his years of service on behalf of Indiana's nurses.

V. EDUCATION

A. FYI Only: Harrison College-Indianapolis: Debi Erick MSN, PHN, RN, CNE named Dean of Nursing replacing Margaret Broadus effective October 15, 2012.

B. FYI Only: Everest College- Merrillville: Jennifer Philbin named Assistant Campus Nursing Director effective 10/18/12.

C. FYI Only: ITT Technical Institute-Fort Wayne: Franchesca Pawlowicz, MSN, RN named School Chair replacing Carrie Price effective 9/24/2012.

D. Medtech Fort Wayne ASN Program Site Revisit, September 2012 (McIntosh/Burghduff). **CONTINUED**
Note: All nursing programs at this campus placed on conditional accreditation in April 2012.

E. Brown Mackie Fort Wayne Site Visit September 2012 (Narwold/Dolk) **CONTINUED**

F. Ivy Tech Richmond ASN Program Site Visit September 2012 (Hall/Narwold)

Staff from Ivy Tech Richmond ("IVR") was present regarding the site visit conducted in September 2012. Ms. Hall indicated this was a visit after a one year plan of correction. The site visitors met with administrators. IVR has hired four new faculty members, there has been increased support and rigor in the nursing department including test writing and increased use of ATI. The academic dean of the school (who had only been in place for 1 month) noticed a very positive attitude in the nursing department. The site visitors asked why it took so long to focus on NCLEX scores and they indicated it was faculty turnover. The faculty interviewed was all fairly new with the exception of 2 full time faculty members. Faculty now advises students in the nursing program. Students interviewed voiced frustration with the program especially pharmacology where a teacher quit suddenly and they felt they were being taught to pass the NCLEX vs. gaining skills to be a nurse. The school was placed on a plan of correction in May 2011 and submitted a review in May 2012. NCLEX 08 71.1, 09 64.18, 10 74.0 11 68.29. The surveyors felt there is strength in administrative support and newly developed faculty advising. Their weaknesses include low NCLEX scores and faculty turnover. The recommendation is conditional accreditation for one year of NCLEX scores above the national average. Ms. Peters indicated the 4th quarter of last year was 100%, 1st quarter of this year 100% and 2nd quarter of this year was 96%. They have started pharmacology tutoring for their students to fit student schedules. Their graduating class in May 2012 was the first since they have implemented changes in the last year. Ms. Narwold voiced that she is against the recommendation because she says the rules were not followed in this instance. In the rules, she is looking at the accreditation purpose itself and if a program has 3 consecutive years below the standard they can be put on a plan of correction which occurred in May 2011. She says they have not seen the next year of scores to calculate a standard deviation. Ms. Laux asked how many people took the exam in 4th quarter 2011- 2 people, 1st quarter 2012- 1 person, 2nd quarter 2012- 27. Ms. Kiefner explained the data utilized was from 3 years (2008, 2009 and 2010) for the plan of correction and then the 2011 NCLEX scores were utilized for the site visit and this recommendation. **Board Action: A motion is made and seconded to place the program on conditional accreditation. Ogle/Laux, 6-1-1 (Narwold against, Cooper abstained) May 2013 will be date they can come back for removal.**

G. FYI Only: Ivy Tech Terre Haute change of location from 8000 South Education Drive Terre Haute, IN 47802 to 1650 East Industrial Drive, Terre Haute, IN 47802.

VI. DISCUSSION

A. Update Regarding Refresher Programs

A discussion was held regarding nursing refresher programs. The current status is that St. Francis has stopped accepting LPN's into their refresher program and is only accepting RN's. There is no LPN refresher course offered in the state at this time that Board staff is aware of. NAPNI offers an online LPN course with a clinical component available anywhere. The Board agreed that we will list these two programs on our website at this time.

B. Draft Electronic Meeting Policy

The Board held a discussion about their draft electronic policy. The Board agreed that three members must be 3 physically present and 5 in total for a Board meeting. Narwold/Laux 7-0-0, motion carries

17. Teresa Ladig LPN Renewal Positive Response –PREVIOUSLY SCHEDULED
Ms. Ladig appeared for her personal appearance regarding her application for renewal. She had an OWI February 2011. She was out having dinner and drinks and ran through a yellow light and was pulled over. She refused to blow so it was an automatic OWI. She had 2 or 3 screwdrivers with diner. She was released from probation in April 2012. She has been at her current job since April 2012 with no issues. She does not meet ISNAP criteria. Renew free and clear.
18. Phyllis Ungerank LPN Renewal Positive Response
Appeared in front of full Board. Arrested March 2012 for trafficking arrest. Appeared in front of the Board in April 2012 on this issue. She was unaware of substance in her bag and says it was placed there by a friend. She went to court in September 2012 pled guilty to possession of marijuana and resisting arrest. She was arrested in April 2012 for invasion of privacy as well. She is in ISNAP at this time. Recommendation: VTP and refer to AG Burghduff/Laux 4-1-0 (Cooper against), motion fails. Same motion is made, set for December hearing. Burghduff/Laux 5-0-0
19. Anissa Farrell LPN Renewal Positive Response
Ms. Farrell did not appear for her personal appearance regarding her renewal application. This matter will be rescheduled.
20. James Gooden II LPN Renewal Positive Response
Mr. Gooden appeared for his personal appearance regarding his renewal application. He was arrested for possession of Marijuana. He had one joint in his apartment. There were actually plants growing in the building but not in his apartment. This happened in February 2011. He pled guilty to possession charge on a no conviction agreement. He believes the joint was his son and nephews. He has had no other issues at work or otherwise. Renew free and clear.
21. Lynn Szweda LPN Renewal Positive Response
Ms. Szweda appeared for her personal appearance regarding her renewal application. She was terminated for write ups regarding documentation. She was looking for another position at the time and when she went to turn in her resignation they terminated. There have been no issues at the new place of employment. Renew free and clear
22. Michael Pannell LPN Renewal Positive Response
Mr. Pannell appeared for his personal appearance regarding his renewal application. He was terminated for violation of computer policy. He was was called and told he had been watching porn on the computer. He filed a charge with the EEOC. He denies watching porn on the computer. He had signed in on his Google account. He believes it actually had to do with another person who was friends with someone else. He believes he was fired to make a spot for someone else. He is not currently working but in the process of applying. He has never had any issues with patient care. Renew free and clear.
23. Dawn Marietta LPN Renewal Positive Response
Ms. Marietta appeared with counsel for her personal appearance regarding her renewal application. She was charged with fraudulently obtaining a controlled substance. She was placed on probation for one year. She was having prescriptions filled for family members. She pled guilty. She was given permission from nurse practitioner to fill them but the nurse practitioner denies this. Criminal probation will be competed September 4, 2013. She is currently not working. Renew on probation the length of criminal probation. Once she finds a employment she will need to have quarterly reports submitted from employer.
24. Susan Feltner LPN Renewal Positive Response
Ms. Feltner appeared with attorney for her personal appearance regarding her renewal application. She had an OWI arrest. She went on a date with someone she didn't know very well. She believes something was put into her drink. She was released from jail and went to the ER to see a sexual assault nurse. Her blood alcohol was .14. She only remembers drinking not even 3 beers. This occurred on October 19, 2012. She needs to have an ISNAP evaluation. She never had any issues in the past. She rarely drinks and does not do drugs. If placed in an RMA license will be renewed on probation the length of RMA, if does not meet criteria she will be renewed free and clear.
25. Harold Flood RN Renewal Positive Response
26. Catherine Weiler LPN Renewal Positive Response
Ms. Weiler appeared for her personal appearance regarding her renewal application. She was deployed to Afghanistan and was working on the medical surgery unit. She had been chosen to work on the ICU. In order to prepare for the position there was a text book that she felt like she needed to read. She got the idea to take a bottle of Adderall help her stay up to read the text book. She turned herself in for taking

23. Victoria Felts LPN Renewal Positive Response
Ms. Felts appeared for her personal appearance regarding her renewal application. She was terminated due to being written up 3 times. She was trying to leave the facility due to a lot of violations going on at the facility. 1st write up was because she did weekend options and she took a patient's blood pressure and it was low and she noted that it should be monitored but no one followed up with the monitoring. She put information into the computer system wrong so no one got the lab orders. 2nd, they wanted her to call a patient's family even though the patient was her own POA, 3rd write up, someone had put in to have a procedure done but where it was put she didn't see it until it was too late. She is currently working and has had no issues. She has been there since the end of May. Renew free and clear.
24. Malik Morgan LPN Renewal Positive Response
Mr. Morgan appeared for his personal appearance regarding his renewal application. He arrested in April 2011 for possession of marijuana. He had a very small amount, around 2 or 3 grams. He has never been in any other kind of trouble. Took a pretrial diversion because he had never had been in trouble. He was never on any kind of probation. He needs an ISNAP evaluation, if meets criteria renew on probation the length of the RMA. If not meet criteria license to be renewed free and clear.
25. Emily Bedwell LPN Renewal Positive Response
Ms. Bedwell did not appear for her personal appearance regarding her application for renewal. This matter will be rescheduled.
26. Dana Hood LPN Renewal Positive Response
Ms. Hood did not appear for her personal appearance regarding her application for renewal. This matter will be rescheduled.
27. Deanne Andreev LPN Renewal Positive Response
Ms. Andreev appeared for her personal appearance regarding her renewal application. She was arrested for violation of custody order. It was her weekend to have her child. The father went to the police station and told them it was his weekend. The parents are currently undergoing custody negotiations. She is not on any probation. She has never trouble. Renew free and clear.
28. Christina Spencer LPN Renewal Positive Response
Ms. Spencer appeared for her personal appearance regarding her renewal application. She has been in contact with ISNAP. She has a 3 year RMA. Employer is aware she is in ISNAP. Renew on probation the length of RMA.
29. Tricia Cox LPN Renewal Positive Response
Ms. Cox appeared for her personal appearance regarding her renewal application. She received an OWI that was reduced to reckless driving in November 2011. Her blood alcohol was .175. Her probation is finished on November 28, 2012. She needs to have an ISNAP evaluation. If she meets criteria for RMA she will be on probation the length of RMA, if not license to be renewed free and clear.
30. Kristen Morris LPN Renewal Positive Response -CONTINUED
31. Erica Chatterton LPN Renewal Positive Response
Ms. Chatterton appeared for her personal appearance regarding her renewal application. She was arrested in July 2012. She had an affair and out of spite her husband took her kids and took a protective order out against her. She went to her husband's house to see the kids and the mother in law called the cops. She was suppose to work that night and she didn't show up so she was fired. She was charged with invasion of privacy and battery. The battery charge was due to poking her mother in law in the eye. She does of a 2 year RMA with ISNAP. Renew on probation.
32. Michelle Williams LPN Renewal Positive Response
Ms. Williams appeared for her personal appearance regarding her renewal application. She was arrested for Battery and OWI. She went out with some friends. She had a designated driver who was suppose to drive her home. She had a fight with her friend who was trying to drive her car. The friend got out of the car and walked away. She drove the car to a gas station to wait for the police. This is the first time she has been in trouble. This occurred in October 2012. She does not associate with the people involved in the arrest. She needs to have an ISNAP evaluation. Renew on probation the depending on court and ISNAP. If eligible for RMA she will be on probation the length of the RMA or criminal probation if she is placed on criminal probation, whichever is longer.
33. Lela York LPN Renewal Positive Response
Ms. York appeared for her personal appearance regarding her renewal application. She was terminated due to missing too many days after an accident. She is currently working with no problems. Renew free and clear.

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| 34. | Seleste Roehm | LPN Renewal | Positive Response |
| | Ms. Roehm appeared for her personal appearance regarding her renewal application. She was terminated from her position at work. She lost her son four years ago. She wasn't dealing with it very well. The facility had had some drugs come up missing and everyone was tested. She tested positive for marijuana. She needs an ISNAP evaluation. If meet criteria renew on probation the length or RMA, if not free and clear. | | |
| 35. | Skyler Voland | LPN Renewal | Positive Response |
| | Ms. Voland did not appear for her personal appearance regarding her renewal application. This matter will be rescheduled. | | |
| 36. | Kimberly McGuire | LPN Renewal | Positive Response |
| | Ms. McGuire appeared for her personal appearance regarding her renewal application. She was terminated for falsifying time card. Her license has been on probation. She was charged with diversion November 2011 and June, 2012. She is currently working and has been there for about a year and a half. No problems. Renew on probation with current order. | | |
| 37. | Courtney Justus | LPN Renewal | Positive Response |
| | Ms. Justus appeared for her personal appearance regarding her renewal application. She made a bad choice to drive after drinking. The criminal matter is still pending. She had a total of 4 breathalyzers. There were issues with the machine so none of them were the same. The highest was .10. This happened in March 2012. She needs ISNAP evaluation. If meets criteria for an RMA then renew on probation the length or RMA. If she gets placed on criminal probation she will be placed on criminal probation she will be on probation the length of that or whichever is longer. | | |
| 38. | Rhonda Clark | LPN Renewal | Positive Response |
| | Ms. Clark appeared for her for personal appearance regarding her renewal application. She was terminated due to making a safety belt out of a gate belt at the request of the family. There was no physician order in place. She knows now that she should have not done this. She realizes she just used poor judgment at the time. This happened in May 2012. She is currently working and has not had any issues other than warning about working through lunch. She needs to take some CEUs in abuse and restraints- 12 hours in each. Once those are submitted then she can be renewed free and clear. | | |

IX. ADMINISTRATIVE HEARINGS

The court reporter for all hearings on this date was Joyce Shinault from Accustar Reporting.

1. **In the Matter of the License of: Sue Ann Barrett, L.P.N., License No. 27019571A**
 Administrative Cause No. 2012 NB 388
 Re: Motion to Set Aside Notice of Proposed Default
 Deputy Attorney General Jessica Joshua appeared on behalf of the State of Indiana and requested that the notice of proposed default be set aside and that the matter be reset for hearing. Hall/Ogle 5-0-0, motion carries
2. **In the Matter of the License of: Pamela Marie Priddy, R.N., License No. 28099166A**
 Administrative Cause No. 2012 NB 214
 Re: Final Disciplinary Hearing
 Deputy Attorney General Patricia Gibson appeared on behalf of the State of Indiana. Respondent failed to appear in person or by counsel. A motion was made and seconded to grant a notice of proposed default in this matter. Laux/Ogle, 6-0-0, motion carries
3. **In the Matter of the License of: Mindy Haun, L.P.N., License No. 27051455A**
 Administrative Cause No. 2011 NB 343
 Re: Final Disciplinary Hearing
 Deputy Attorney General David Fleischhacker appeared on behalf of the State of Indiana. Respondent failed to appear in person or by counsel. A motion was made and seconded to grant a notice of proposed default in this matter. Laux/Ogle 6-0-0, motion carries
4. **In the Matter of the License of: Brittany Kirby, L.P.N., License No. 27063925A** **CONTINUED**
 Administrative Cause No. 2011 NB 221
 Re: Petition For Review

5. **In the Matter of the License of: Dianne Lorenzo, R.N., License No. 28109010A**
 Administrative Cause No. 2011 NB 530
 Re: Petition For Review
 Deputy Attorney General Mark Mader appeared on behalf of the State of Indiana. Respondent appeared in person and by Counsel Betsy Walits. After a hearing, a motion was made and seconded to deny the request. McIntosh/Hall, 6-0-0, motion carries
6. **In the Matter of the License of: Debra J. Preslin, R.N., License No. 28104997A** **CONTINUED**
 Administrative Cause No. 2012 NB 139
 Re: Final Disciplinary Hearing
7. **In the Matter of the License of: Kara Leavenworth, R.N., License No. 28199699A** **CONTINUED**
 Administrative Cause No. 2011 NB 242
 Re: Appeal of Final Order dated August 21, 2012
8. **In the Matter of the License of: Shonna Groppaldi, R.N., License No. 28145198A**
 Administrative Cause No. 2011 NB 507
 Re: Order To Show Cause
 Leif Johnson appeared on behalf of the State of Indiana. Respondent failed to appear in person or by counsel. A request was made for a default and an emergency suspension in this matter. After a hearing, a motion was made and seconded to deny the request for summary suspension. Burghduff/Hall, 6-0-0, motion carries. A motion was then made and seconded to issue a notice of proposed default. Burghduff/Laux 6-0-0, motion carries. Respondent then appeared after the notice of proposed default was issued and a hearing was held on this date regarding the Order to Show Cause. After a hearing, a motion was made and seconded to continue the probation for the length of the ISNAP RMA. Burghduff/Ogle, 6-0-1 (Narwold abstains)
9. **In the Matter of the License of: Tanya Jo Marlow, L.P.N., License No. 27037593A**
 Administrative Cause No. 2008 NB 162
 Re: Order to Show Cause
 Ryan Liffrig appeared on behalf of the State of Indiana. Respondent failed to appear in person or by counsel. A motion was made and seconded to grant a notice of proposed default in this matter. McIntosh/Laux 6-0-0, motion carries
10. **In the Matter of the License of: Patricia Mathews, R.N., License No. 28115716A**
 Administrative Cause No. 2009 NB 045
 Re: Order to Show Cause-
 The Order to Show Cause in this matter was vacated and replaced with a pre-hearing settlement conference.
11. **In the Matter of the License of Eric T. Lybrook, R.N., License No. 28180227A**
 Administrative Cause No. 2012 NB 226
 Re: Final Disciplinary Hearing
 Deputy Attorney General Mark Mader appeared on behalf of the State of Indiana. Respondent appeared in person and waived the right to counsel. After a hearing, a motion was made and seconded to place the Respondent's license on indefinite suspension for 25 years. Burghduff/Ogle, 5-1-0, motion carries (Hall against)
12. **In the Matter of the License of: Angela Noel Feilan, R.N., License No. 28150997A** **CONTINUED**
 Administrative Cause No. 2012 NB 224
 Re: Final Disciplinary Hearing
13. **In the Matter of the License of: Tonya Jean Murphy, L.P.N., License No. 27037650A**
 Administrative Cause No. 2012 NB 286
 Re: Final Disciplinary Hearing
 Deputy Attorney General David Fleischhacker appeared on behalf of the State of Indiana. Respondent failed to appear in person or by counsel. A motion was made and seconded to grant a notice of proposed default in this matter. Laux/Hall, 6-0-0, motion carries
14. **In the Matter of the License of: David C. Varble, L.P.N., License No. 27061281A**
 Administrative Cause No. 2012 NB 327
 Re: Final Disciplinary Hearing
 Deputy Attorney General David Fleischhacker appeared on behalf of the State of Indiana. Respondent appeared in person and waived the right to counsel. After a hearing, a motion was made and seconded to place the Respondent's license on indefinite probation, must successfully complete 2 year conditional discharge in Jefferson County, Kentucky; quarterly employer or self reports, \$250 fine, MMPI-2 addressing anger management issues, ISNAP evaluation and sign an RMA if required, and costs. Burghduff/Ogle, 6-0-0, motion carries