

INDIANA STATE BOARD OF NURSING
Thursday, October 21, 2010
Indiana Government Center-South
302 West Washington Street
Indianapolis, Indiana 46204

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Burghduff 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
Lynda Narwold, R.N., Vice-President
Connie McIntosh, R.N., Secretary
Anne Ogle, Consumer Member
Regina Haight, R.N., C.N.S., Member
Laurel Valentino, R.N., Member
Marcia Laux, R.N., Member
Scott Johns, R.N., C.R.N.A., Member

Board Member Absent

Stacy Henderson, LPN, Member

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.

NARWOLD/LAUX
Motion carried 8-0-0.

III. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

NARWOLD/LAUX
Motion carried 8-0-0.

IV. ADOPTION OF THE MINUTES FROM THE SEPTEMBER 16, 2010 MEETING OF THE BOARD

A motion was made and seconded to adopt the September 16, 2010 Nursing Board Meeting Minutes.

NARWOLD/MCINTOSH
Motion carried 6-0-1 (LAUX abstained).

V. 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 October 1, 2010, 593 active clients, 15 new intakes, 70 intakes in process, 12 closures in monitoring and 27 new Recovery Monitoring Agreements returned. Mr. Lindquist summarized the substance of the September 17, 2010 Fall Workshop.

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. EDUCATION

A. FYI: Everest College has promoted Tracey Miller, MSN, RN, to Campus Nursing Director effective July 1, 2010.

The Board took this notification under advisement.

B. FYI: ITT Tech – Indianapolis – Announces resignation of Donna Austgen and appointment of Acting Program Chair of Jill Bucholz, MSN, BSN.

The Board took this notification under advisement.

C. FYI: Ivy Tech South Bend, Elkhart, and Warsaw: Announcement of Dean of Nursing appointment: Donn J. Keusch, MSN, RN.

The Board took this notification under advisement.

D. FYI: ITT Tech – Fort Wayne – Announces resignation of Jane Cunningham and appointment of Gretchen Jenkins as interim Program Director.

The Board took this notification under advisement.

E. FYI: J. Everett Practical Nursing Program – Doreen Rogers announces that she has resigned from her position as Program Director.

The Board took this notification under advisement.

VI. DISCUSSION

A. Bruce Kneller, 28145876A – Request to Voluntarily Surrender License

Mr. Kneller submitted a written request to voluntarily surrender his license. Mr. Kneller is facing discipline against a nursing license held in another jurisdiction. A motion was made and seconded to deny the offer to voluntarily surrender and to allow the Attorney General's office to investigate the situation and pursue administrative discipline if warranted.

BURGHDUFF/VALENTINO
Motion Carried 8-0-0.

B. The Matter of the License Application of Kimberly S. Geise, L.P.N.

Ms. Geise's counsel requested the Board modify its order to clarify inconsistent conditions regarding the submission of therapist reports. A motion was made and seconded to amend the order as requested.

NARWOLD/OGLE
Motion Carried 8-0-0.

VII. BOARD DIRECTOR REPORT

Mr. Gorman addressed the Board and informed them of a recent reorganization of the Consumer Protection Division in the Attorney General's Office. Deputy Attorney General Gabrielle Owens is now over the entire CPD in charge of investigating and bringing new complaints and generally representing the State in matters before the Board. Deputy Attorney General Patricia Gibson will conduct all ALJ hearings, and Deputy Attorney Generals Laura Wilford, Elizabeth Kiefner Crawford, and David Fleishhacker will be assigned to handle nursing board cases full-time.

Mr. Gorman also updated the Board as to the status of criminal background check legislation that is being discussed for proposal in the upcoming legislative assembly. The current proposal being discussed would require comprehensive background checks for all new applicants at the time of initial licensure, and at the applicant's expense. There would be potentially be a random audit mechanism for renewal applicants at the Board's discretion, and there would be a reporting mechanism installed that would require Indiana prosecutors to notify appropriate Boards of any new criminal charges issued against individuals with existing licenses. The background check requirement would apply to all health-related occupations requiring license or registration and administered by the Indiana Professional Licensing Agency.

VIII. PERSONAL APPEARANCES

8:45 a.m.

The following personal appearances, unless otherwise noted, were conducted by Ms. McIntosh and Ms. Laux. Following discussion of their recommendations, a motion was made and seconded to approve their recommendations as follows.

BURGHDUFF/NARWOLD
Motion carried 6-0-0.

A. Appearances by Applicants for Licensure

1. Courtney Grant – Examination

Ms. Grant appeared before the Board regarding her application for licensure by examination. She reported a 2002 arrest for charges of theft from her employer. Ms. McIntosh and Ms. Laux recommended that her license be issued upon passing on a probationary status for at least 6 months with 2 quarterly reports.

2. Pamela Kish - Examination***

Ms. Kish appeared before the Board regarding her application for licensure by examination and renewal of her LPN license. She reported a termination from her position as an LPN for patient care issues. Ms. McIntosh and 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 reports to the Board.

3. Kristi Bische – APN/CSR - License Number: 281407841A

Ms. Bische appeared before the Board regarding her application for licensure of prescriptive authority. She reported a 2007 employment issue for diversion. She has successfully completed an ISNAP RMA. Ms. McIntosh and Ms. Laux recommended that she be granted prescriptive authorization.

4. Jane Ali – Endorsement

Ms. Ali appeared before the Board regarding her application for licensure by endorsement as an LPN. She disclosed 2003 and 2005 incidents involving neglect of dependents. She also disclosed a 2006 conviction for destruction of public property. Ms. McIntosh and Ms. Laux recommended that her license be issued on probation for at least one year with quarterly reports from her employer.

5. Rakeshia Hernandez – Examination

Ms. Hernandez appeared before the Board regarding her application for licensure by examination as an LPN. She disclosed a 2010 OWI conviction with no other incidents. Ms. McIntosh and Ms. Laux recommended that she be made eligible and that her license be issued upon passing.

6. Rhonda King-Hardin (Irving) – Examination

Ms. King-Hardin appeared before the Board regarding her application for licensure by examination. She reported that she had worked as an LPN for Medicaid reimbursed providers while on the federal exclusionary list. Ms. McIntosh and Ms. Laux recommended that she be made eligible and be issued on probation for at least one year upon passing with quarterly reports.

7. Robyn Retzleff – Endorsement

Ms. Retzleff appeared before the Board regarding her application for licensure as an LPN by endorsement. She reported that she had a 2001 arrest for misdemeanor possession of marijuana and obstruction of justice in 2002. Ms. McIntosh and Ms. Laux recommended that she be issued on a probationary status for at least one year with 6 contact hours of continuing education in charting and 6 in assessment.

8. Reha Alexander – Examination

Ms. Alexander appeared before the Board regarding her application for licensure as an LPN by examination. She reported a 2010 failed drug screen for marijuana. Ms. McIntosh and Ms. Laux recommended that she be made eligible to test, that she sign an RMA with ISNAP if eligible. She will be licensed free and clear upon passing.

9. Jessica Yates – Examination

Ms. Yates appeared before the Board regarding her application for licensure as an LPN by examination. She reported a 2009 OWI arrest and conviction. Ms. McIntosh and Ms. Laux recommended that she be made eligible for examination and that she be issued free and clear upon passing.

10. Donielle Shaffer – Examination

Ms. Shaffer appeared before the Board regarding her application for licensure as an LPN by examination. She reported 2 arrests for theft in 2009. Ms. McIntosh and Ms. Laux recommended that she be made eligible for examination and that she be issued a probationary license for at least one year of quarterly reports.

11. Jennifer Sknerski – Examination

Ms. Sknerski appeared before the Board regarding her application for licensure as an LPN by examination. She reported a 2008 OWI arrest and a February 2010 OWI charge. Ms. McIntosh and Ms. Laux recommended that she contact ISNAP and sign an RMA if eligible. She will be made eligible to test and that she be issued on a probationary status for at least one year of quarterly reports and compliance with her ISNAP RMA.

12. Melissa Neal – Examination

Ms. Neal appeared before the Board regarding her application for licensure as an LPN by examination. She reported a 2004 OWI conviction and a 2005 conviction for possession of a controlled substance. Ms. McIntosh and Ms. Laux recommended that she be made eligible to test, that she contact ISNAP and sign an RMA if eligible and that she be issued on a probationary license for at least 2 years and compliance with her RMA.

B. Appearances by Applicants for Renewal

1. Pamela Kish***

- License Number 27061213A

Ms. Kish appeared as discussed above.

2. Kristie Hammonds - License Number: 27046519A
Ms. Hammonds appeared before the Board regarding her application to renew her LPN license. She disclosed a 2010 check deception conviction for which she is on criminal probation until 2011. Ms. McIntosh and Ms. Laux recommended that her license be renewed.
3. James Thomas - License Number: 27038311A
Mr. Thomas appeared before the Board regarding his application for renewal of licensure as an L.P.N. Mr. Thomas reported terminations regarding his employment as a nurse and an investigation and report by the Medicaid Fraud Control Unit regarding documentation errors. Ms. McIntosh and Ms. Laux recommended that his license be renewed free and clear upon submission of acceptable copies of letters of recommendation or employer evaluations.
4. Odette Bohnert - License Number 27044782A
Ms. Bohnert appeared before the Board regarding her application for renewal of licensure as an LPN. She reported an incident where her employer determined that she was responsible for follow up on filling an order for medication that was not completed. Ms. McIntosh and Ms. Laux recommended that her license be renewed free and clear.
5. Celia Ortiz - License Number 27058660A
Ms. Ortiz appeared before the Board regarding her application for renewal of licensure as an LPN. She disclosed a Jan. 2010 conviction for OWI. Ms. McIntosh and Ms. Laux recommended that her license be renewed on probation for at least one year with quarterly reports from her employer.
6. Patricia Huston - License Number 27009472A
Ms. Huston's license has been renewed.
7. Devona Nay - License Number 27057528A
Ms. Nay appeared before the BON re: pos. resp. on her renewal. She reported two terminations in 2008 and 2010 as an LPN, and several terminations as a CNA. The BON recommended renewing her lic. on probation with completion of 24 CEs with 6 each in ethics, assmnt, ethics and documentation along with reports from worksite supervisor every two months for total of 3 reports before prob. may be requested for lifting. Johns/Narwold 6-0-0.
8. Kelly Lynn Martin - License Number: 27033297A
Ms. Martin appeared before the BON re: pos. resp. on her renewal application. She was terminated in 10/09 for writing a prescription refill for her boyfriend's medication and she did not have authority to do so. She presented additional doc. re: CEs she has completed and was evaluated by ISNAP but did not enter into the RMA as recommended due to medication she was on at that time. The BON recommended renewing her lic. on prob. and completion of the recommended RMA for six months before prob. can be requested for lifting. Burghduff/Valentine 6-0-0
9. Amy Morris - License Number: 27058300A
Ms. Morris appeared before the board for pos. resp. She did not give the pos. resp. at her 2010 re newal but reported it after the fact. She administered a treatment to a co-worker that she was not authorized to do and was terminated. The BON felt the termination was justified and voted to uphold her renewal. Burghduff/Valentino 5-0-1 Johns abstained.
10. Melanie Hale - License number : 27044098A
11. Gary S. Bishop - License Number: 27056629A
Mr. Bishop appeared before the Board regarding his application for renewal of his LPN license. He disclosed a 2009 domestic arrest for an incident with his wife. Ms. McIntosh and Ms. Narwold recommended that his license be renewed free and clear.
12. Amanda E. Smith - License Number: 27061096A
Ms. Smith (Fancher?) appeared before the BON re: terminations for not reporting abuse of residents in her care. BON voted to renew her license free and clear. Valentino/Haight 6-0-0.
13. Jessica Russell - License Number: 27057637A
14. Gwendolyn Wilms - License Number: 27038046A
Ms. Wilms appeared before the BON re: DUI and is on probation for that. The BON recommended renewing her lic. on probation with referral to ISNAP and 6 mos compliance with RMA. Probation cannot be lifted until her criminal prob. is completed. Burghduff/Valentino 6-0-0.
15. Janice Cornwell - License Number: 27062458A

Ms. Cornwell appeared before the Board regarding her application for renewal of licensure. A motion was made and seconded to renew Ms. Cornwell's license free and clear.

VALENTINO/HAIGHT
Motion Carried 5-1-0, OGLE opposed.

VIII. ADMINISTRATIVE HEARINGS

A. In the Matter of the License of: Tammy L. Anderson, L.P.N., License No. 27036376A

Administrative Cause No. 2009 NB 214
Re: Order to Show Cause

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its Order issued March 9, 2010. The Board issued an Order to Show Cause in this matter on September 15, 2010. A motion was made and seconded to issue a Notice of Proposed Default to Respondent for her failure to appear.

BURGHDUFF/LAUX
Motion Carried 6-0-0

B. In the Matter of the License of: Scott Graber, L.P.N., License No. 27055957A

Administrative Cause No. 2006 NB 0149
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 on behalf of the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Valentino

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its Order issued December 6, 2006. The Board issued an Order to Show Cause in this matter on September 15, 2010. A motion was made and seconded to continue the Respondent's license on indefinite probation with the requirement that he comply with the terms of an ISNAP RMA and pay a \$500 fine.

NARWOLD/VALENTINO
Motion Carried 6-0-0

C. In the Matter of the License of: Amanda Petro, L.P.N., License No. 27055067A

Administrative Cause No. 2009 NB 213
Re: Order to Show Cause

Parties and Counsel Present:

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

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns

Ms. Haight
Ms. Ogle
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its Order issued October 28, 2009. The Board issued an Order to Show Cause in this matter on September 15, 2010. A motion was made and seconded to issue a Notice of Proposed Default to Respondent for her failure to appear.

BURGHDIFF/LAUX
Motion Carried 6-0-0

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

BURGHDIFF/NARWOLD
Motion Carried 6-0-0

D. State of Indiana v. Jason Lance Riley, L.P.N., License No. 27040346A
Administrative Cause No. 2002 NB 0090
Re: Order to Show Cause

Parties and Counsel Present:

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

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its Order issued September 3, 2008. The Board issued an Order to Show Cause in this matter on September 15, 2010. A motion was made and seconded to issue a Notice of Proposed Default to Respondent for his failure to appear.

LAUX/NARWOLD
Motion Carried 6-0-0

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

BURGHDIFF/LAUX
Motion Carried 6-0-0

E. In the Matter of the License of: Clifford Davis, R.N., License No. 28169350A
Administrative Cause No. 2010 NB 208
Re: Disciplinary Hearing / Settlement Conference

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

G. In the Matter of the License of: Delana Ward, R.N., License No. 28154399A
Administrative Cause No. 2010 NB 163
Re: Proposed Settlement Agreement

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Valentino

Case Summary and Board Action: The State of Indiana filed a complaint against Respondent's license with the Board on July 30, 2010. The parties filed a proposed settlement agreement with the Board that would place the Respondent's license on indefinite probation with the requirement that she complete at least 24 contact hours of CE for nurses and pay a \$750 fine. A motion was made and seconded to adopt the settlement agreement as final disposition of the State's complaint.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

- H. **In the Matter of the License of: Elizabeth Stevens, R.N., License No. 28169080A**
Administrative Cause No. 2010 NB 162
Re: Proposed Settlement Agreement

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Valentino

Case Summary and Board Action: The State of Indiana filed a complaint against Respondent's license with the Board on July 30, 2010. The parties filed a proposed settlement agreement with the Board that would place the Respondent's license on indefinite suspension for at least two years with the requirement that she complete at least 96 contact hours of CE for nurses, have at least one year of full compliance with an ISNAP RMA and pay a \$1000 fine. A motion was made and seconded to adopt the settlement agreement as final disposition of the State's complaint.

NARWOLD/JOHNS
Motion Carried 6-0-0

- I. **In the Matter of the License of: Irene Peck, L.P.N., License No. 27050413A**
Administrative Cause No. 2010 NB 120
Re: Disciplinary Hearing

CONTINUED

- J. **In the Matter of the License of: Pamela Smyth, R.N., License No. 28117763A**
Administrative Cause No. 2010 NB 159
Re: Disciplinary Hearing

CONTINUED

- K. **In the Matter of the License of: Tameka Vironet, L.P.N., License No. 27059687A**
Administrative Cause No. 2010 NB 155
Re: Disciplinary Hearing

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux

Case Summary and Board Action: The State of Indiana filed a complaint against the Respondent's license with the Board on July 30, 2010. A motion was made and seconded to issue a Notice of Proposed Default to Respondent for her failure to appear at the scheduled hearing.

NARWOLD/LAUX
Motion Carried 6-0-0

- L. **In the Matter of the License of: Darleen Davoust, R.N., License No. 28100359A**
Administrative Cause No. 2010 NB 157
Re: Disciplinary Hearing

M. In the Matter of the License of: Kelli Whitmire, R.N., License No. 28146329A

Administrative Cause No. 2010 NB 156

Re: Disciplinary Hearing

Parties and Counsel Present:

Respondent was present.

Darren Covington, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. Narwold

Mr. Johns

Ms. Haight

Ms. Ogle

Ms. Valentino

Case Summary and Board Action: The State of Indiana filed a complaint against the Respondent's license with the Board on July 30, 2010. A motion was made and seconded to place Respondent's license on indefinite suspension for at least 1 year with the requirement that she attend an RN refresher course and pay \$750 in fines and costs to IPLA and the AG.

BURGHDUFF/NARWOLD

Motion Carried 6-0-0

N. In the Matter of the License of: Tracy Lindsay, R.N., License No. 28150766A

Administrative Cause No. 2010 NB 169

Re: Disciplinary Hearing

Parties and Counsel Present:

Respondent was not present.

Darren Covington, Deputy Attorney General on behalf of the State of Indiana.

Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. Narwold

Mr. Johns

Ms. Haight

Ms. Ogle

Ms. Laux

Ms. Valentino

Ms. McIntosh

Case Summary and Board Action: The State of Indiana filed a complaint against the Respondent's license with the Board on July 30, 2010. 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, completion of at least 24 contact hours of CE for nurses, and costs to IPLA and the AG.

NARWOLD/VALENTINO

Motion Carried 5-3-0

O. In the Matter of the License of: Delores Stanley, R.N., C.N.M., License Nos. 28103893A, 72000073A

Administrative Cause No. 2010 NB 099

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.

Morgan Burton, Deputy Attorney General on behalf of the State of Indiana.

Barbara Winningham, Witness on behalf of the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. Narwold

Ms. Haight

Ms. Ogle

Ms. Valentino

Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a hearing scheduled for July 15, 2010. The Board placed Respondent's license on indefinite suspension and issued a Notice of Proposed Default to Respondent on July 27, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/VALENTINO
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status for at least 25 years and to issue a \$17,000 fine and costs to IPLA and the AG to be paid within one year.

VALENTINO/OGLE
Motion Carried 6-0-0

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.

P. In the Matter of the License of: Amber Whiteman, R.N., License No. 28138533A

Administrative Cause No. 2010 NB 127

Re: Disciplinary Hearing

Parties and Counsel Present:

Respondent was present.

Darren Covington, Deputy Attorney General on behalf of the State of Indiana.

Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. Narwold

Mr. Johns

Ms. Haight

Ms. Ogle

Ms. Laux

Ms. Valentino

Ms. McIntosh

Case Summary and Board Action: The State of Indiana filed a complaint against the Respondent's license with the Board on June 14, 2010. A motion was made and seconded to place Respondent's license on indefinite suspension for at least 6 months with the requirement that the Respondent submit the results of a psych eval to the Board..

BURGHDUFF/NARWOLD
Motion Carried 6-10

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

Administrative Cause No. 2009 NB 185

Re: Settlement Conference

R. In the Matter of the License of: Daniela Joyce, R.N., License No. 28121584A

Administrative Cause No. 2009 NB 220

Re: Disciplinary Hearing

Parties and Counsel Present:

Respondent was present.

Sean Harshey, Counsel for Respondent.

Elizabeth Kiefner Crawford, Deputy Attorney General on behalf of the State of Indiana.

Chuck Lindquist, Witness for the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)

Ms. Narwold

Mr. Johns

Ms. Haight

Ms. Ogle

Ms. Laux

Ms. Valentino

Ms. McIntosh

Case Summary and Board Action: The State of Indiana filed a complaint against the Respondent's license with the Board on December 2, 2009. A motion was made and seconded to place Respondent's license on indefinite probation for at least 6 months of compliance with an ISNAP RMA.

BURGHDIFF/LAUX
Motion Carried 6-0-1

- S. In the Matter of the License of: April Dawn Hughes, R.N., License No. 28149040A**
Administrative Cause No. 2009 NB 157
Re: Order to Show Cause

CONTINUED

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux
Ms. Valentino
Ms. McIntosh

Case Summary and Board Action: The Board placed the Respondents license in vote at the February 18, 2010 Nursing Board meeting. The Board filed an Order to Show Cause on September 28, 2010 regarding the Respondent's compliance with that order. A motion was made and seconded to continue the Order to Show Cause hearing to a future Board Meeting and to place Respondent's license on an emergency suspension status.

BURGHDIFF/NARWOLD
Motion Carried 6-0-0

- T. In the Matter of the License of: Judy Stall, R.N., License No. 28123695A**
Administrative Cause No. 2009 NB 219
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was 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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux
Ms. Valentino
Ms. McIntosh

Case Summary and Board Action: The Board placed the Respondent's license on indefinite probation in its Order filed on December 2, 2009. The Board issued an Order to Show Cause to Respondent on October 5, 2010 regarding her compliance with that order. 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.

NARWOLD/MCINTOSH
Motion Carried 6-0-1

- U. In the Matter of the License of: Laura Jane Smith, R. N., License No. 28117757A**
Administrative Cause No. 2008 NB 133
Re: Order to Show Cause
2nd request to continue

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux
Ms. Valentino
Ms. McIntosh

Case Summary and Board Action: The Board placed the Respondent's license on indefinite probation in its Order filed on February 11, 2009. The Board issued an Order to Show Cause to Respondent on September 28, 2010 regarding her compliance with that order. Respondent requested a continuance of this hearing. A motion was made and seconded to deny the request for a continuance and to issue a notice of proposed default to the Respondent for her failure to appear.

BURGHDUFF/LAUX
Motion Carried 6-0-0

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

BURGHDUFF/NARWOLD
Motion Carried 6-0-0.

- V. In the Matter of the License of: Jeffrey Ferguson, R. N., License No. 28193431A**
Administrative Cause No. 2010 NB 149
Re: Request to Withdraw Probation

Parties and Counsel Present:

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

Participating Board Members:

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

Case Summary and Board Action: The Board placed the Respondent's license on indefinite probation in its Order filed on July 26, 2010. Respondent submitted a request to withdraw that probationary status. A motion was made and seconded to withdraw the probation from Respondent's license.

NARWOLD/LAUX
Motion Carried 6-0-0

- W. In the Matter of the License of: Judith Dickinson, LP...N., License No. 27014907A**
Administrative Cause No. 2008 NB 0062
Re: Order to Show Cause

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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation pursuant to a Board vote on September 17, 2009. The Board issued an Order to Show Cause in this matter on October 4, 2010. A motion was made and seconded to issue a Notice of Proposed Default to Respondent for her failure to appear.

BURGHDIFF/NARWOLD
Motion Carried 6-0-0

- X. In the Matter of the License Application of: Timothy Weiler**
Administrative Cause No. 2010 NB 222
Re: Petition for Review of Decision to Deny License Application

Parties and Counsel Present:
Petitioner was present.

Participating Board Members:
Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux
Ms. McIntosh

Case Summary and Board Action: The Board denied Petitioner's application for licensure in its decision issued September 21, 2010. Petitioner submitted a petition for the Board to review this decision. A motion was made and seconded to vacate the denial and issue the license by endorsement.

NARWOLD/JOHNS
Motion Carried 5-2-0

- Y. In the Matter of the License Application of: Laura Bolen**
Administrative Cause No. 2010 NB 223
Re: Petition for Review of Decision to Deny License Application

Parties and Counsel Present:
Petitioner was present.
Susie Smith, Witness for the Petitioner.

Participating Board Members:
Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux

Case Summary and Board Action: The Board denied Petitioner's application for licensure in its decision issued September 22, 2010. Petitioner submitted a petition for the Board to review this decision. A motion was made and seconded to vacate the denial and issue the license on an indefinite probationary status upon passing the licensure examination

BURGHDIFF/NARWOLD
Motion Carried 5-0-1

- Z. In the Matter of the License Application of: Jasemine Patterson**
Administrative Cause No. 2010 NB 224
Re: Petition for Review of Decision to Deny License Application

Parties and Counsel Present:
Petitioner was present.
Lorie Brown, attorney for Petitioner.

Participating Board Members:
Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle

Ms. Laux
Ms. McIntosh

Case Summary and Board Action: The Board denied Petitioner's application for licensure in its decision issued September 22, 2010. Petitioner submitted a petition for the Board to review this decision. A motion was made and seconded to vacate the denial and issue the license free and clear upon Petitioner's passing the prelicensure examination.

BURGHDIFF/NARWOLD
Motion Carried 6-0-1

AA. In the Matter of the License Renewal Application of: Linda Lee Smith, L.P.N., 27009602A
Administrative Cause No. 2010 NB 2254
Re: Petition for Review of Decision to Deny License Renewal Application

Parties and Counsel Present:
Petitioner was present.
Scott Callahan, Counsel for Petitioner.

Participating Board Members:
Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux
Ms. McIntosh

Case Summary and Board Action: The Board denied Petitioner's application for renewal of licensure in its decision issued September 21, 2010. Petitioner submitted a petition for the Board to review this decision. A motion was made and seconded to vacate the denial and to renew Petitioner's license.

BURGHDIFF/LAUX
Motion Carried 7-0-0

BB. In the Matter of the License Renewal Application of: Annamaria Adaka, R. N., License No. 28150164A
Administrative Cause No. 2009 NB 268
Re: Request to Withdraw Probation

Parties and Counsel Present:
Respondent was present.
Laura Wilford, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:
Mr. Burghduff (Hearing Officer)
Ms. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Laux
Ms. McIntosh

Case Summary and Board Action: The Board placed Respondent's license on indefinite probation in its decision issued on January 6, 2010. Respondent submitted a request to withdraw the probationary status on her license. A motion was made and seconded to withdraw the probation from Respondent's license.

NARWOLD/LAUX
Motion Carried 7-0-0

CC. In the Matter of the License of: Mary Alice Reeter, L.P.N., License No. 27013792A
Administrative Cause No. 2010 NB 191
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. Narwold
Mr. Johns
Ms. Haight
Ms. Ogle
Ms. Valentino

Case Summary and Board Action: The State of Indiana filed a complaint against Respondent's license with the Board on July 30, 2010. The parties filed a proposed settlement agreement with the Board that would revoke the Respondent's license permanently. A motion was made and seconded to adopt the settlement agreement as final disposition of the State's complaint.

BURGHDUFF/LAUX
Motion Carried 6-0-0

IX. DEFAULT HEARINGS

A. In the Matter of the License of: Joy Gabbard, L.P.N., License No. 27057571A

Administrative Cause No. 2010 NB 091

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.
Chuck Lindquist, Witness of behalf of the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. Narwold
Ms. Haight
Ms. Ogle
Ms. Laux
Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a prehearing settlement conference scheduled for September 2, 2010 regarding the State's complaint filed with the Board. The Board issued a Notice of Proposed Default to Respondent on September 2, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status and to issue a \$250 fine to Respondent

BURGHDUFF/NARWOLD
Motion Carried 6-0-0.

B. In the Matter of the License of: Melanie Lynn Jones, R.N., L.P.N, License Nos. 28153383A, 27042616A

Administrative Cause No. 2010 NB 174

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present.
Mark Mader, Deputy Attorney General on behalf of the State of Indiana.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. Narwold
Ms. Haight
Ms. Ogle
Ms. Laux
Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a prehearing settlement conference scheduled for September 2, 2010 regarding the State's complaint filed with the Board. The

Board issued a Notice of Proposed Default to Respondent on September 2, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status for at least 2 years and to issue a \$750 fine to Respondent in addition to costs to IPLA and the AG's office.

NARWOLD/LAUX
Motion Carried 6-0-0.

C. In the Matter of the License of Pamela Liggett, L.P.N., License No. 27060335A

Administrative Cause No. 2010 NB 154

Re: Notice of Proposed Default

RESPONSE FROM RESPONDENT

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. Narwold

Ms. Haight

Ms. Ogle

Ms. Laux

Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a prehearing settlement conference scheduled for September 2, 2010 regarding the State's complaint filed with the Board. The Board issued a Notice of Proposed Default to Respondent on September 2, 2010 for her failure to appear. Respondent sent a letter to the Board in response to the NOPD. A motion was made and seconded to set aside the Notice of Proposed Default and to set for a prehearing settlement conference in November.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

D. In the Matter of the License of: Robert Jewell, L.P.N., License No. 27027399A

Administrative Cause No. 2007 NB 040

Re: Notice of Proposed Default & Summary Suspension Order

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. Narwold

Ms. Haight

Ms. Ogle

Ms. Laux

Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at the hearing scheduled for August 19, 2010. The Board issued a Notice of Proposed Default to Respondent on September 15, 2010 for his failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status for at least 5 years and to issue a \$250 fine to Respondent. Respondent must have at least 2 years of compliance with an ISNAP RMA prior to eligibility for reinstatement of licensure.

BURGHDUFF/LAUX
Motion Carried 6-0-0

E. In the Matter of the License of: Evelyn Ruth Barr, L.P.N., License No. 27016747A

Administrative Cause No. 2008 NB 121

Re: Notice of Proposed Default & Summary Suspension Order

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. Narwold

Ms. Haight

Ms. Ogle

Ms. Laux

Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at an order to show cause hearing scheduled for September 16, 2010 regarding the Respondent's compliance with a Board order. The Board issued a Notice of Proposed Default to Respondent on September 23, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/NARWOLD

Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status for at least 1 year and to issue a \$250 fine to Respondent in addition to costs to IPLA and the AG's office and the completion of at least 24 contact hours of CE for nurses prior to eligibility for reinstatement of licensure.

LAUX/BURGHDUFF

Motion Carried 6-0-0

F. In the Matter of the License of: Judith Wright, L.P.N., License No. 27043010A

Administrative Cause No. 2010 NB 113

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. Narwold

Ms. Haight

Ms. Ogle

Ms. Laux

Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a hearing scheduled for September 16, 2010 regarding the State's complaint filed with the Board. The Board issued a Notice of Proposed Default to Respondent on September 23, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

LAUX/BURGHDUFF

Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite probation status for at least 1 year and to issue a \$500 fine to Respondent in addition to costs to IPLA and the AG's office. Respondent must also submit to an ISNAP evaluation.

LAUX/OGLE

Motion Carried 6-0-0

G. In the Matter of the License of: Janine Reynolds, R.N., License No. 28171126A

Administrative Cause No. 2010 NB 126

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. Narwold
Ms. Haight
Ms. Ogle
Ms. Laux
Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at hearing settlement scheduled for September 16, 2010. The Board issued a Notice of Proposed Default to Respondent on September 23, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status for at least 2 years of full compliance with an ISNAP RMA and to award costs to IPLA and the AG's office.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

H. In the Matter of the License of: Jackie Sue Volk, L.P.N., License No. 27033429A

Administrative Cause No. 2010 NB 202
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. Narwold
Ms. Haight
Ms. Ogle
Ms. Laux
Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a hearing scheduled for September 16, 2010. The Board issued a Notice of Proposed Default to Respondent on September 28, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/LAUX
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status for at least 1 year of compliance with an ISNAP RMA and to award costs to IPLA and the AG's office.

BURGHDUFF/LAUX
Motion Carried 6-0-0

I. In the Matter of the License of: Tina Casteel, R.N., License No. 28132699A

Administrative Cause No. 2001 NB 0045
Re: Notice of Proposed Default and Summary Suspension Order

Parties and Counsel Present:

Respondent was not present.
Elizabeth Kiefner Crawford, Deputy Attorney General on behalf of the State of Indiana.
Chuck Lindquist, Witness on behalf of the State.

Participating Board Members:

Mr. Burghduff (Hearing Officer)
Ms. Narwold
Ms. Haight

Ms. Ogle
Ms. Laux
Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a hearing scheduled for May 20, 2010. The Board issued a Notice of Proposed Default to Respondent on September 2, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/NARWOLD
Motion Carried 6-0-0

A Motion was made and seconded to place Respondent's license on an indefinite suspension status.

BURGHDUFF/JOHNS
Motion Carried 6-0-0

J. In the Matter of the License of: Julie Chaney, L.P.N., License No. 27013295A

Administrative Cause No. 2010 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. Narwold
Ms. Haight
Ms. Ogle
Ms. Laux
Mr. Johns

Case Summary and Board Action: The Board issued an order for the parties to appear at a hearing scheduled for September 16, 2010 regarding the State's complaint filed with the Board. The Board issued a Notice of Proposed Default to Respondent on October 13, 2010 for her failure to appear. A motion was made and seconded to find the Respondent in Default.

BURGHDUFF/LAUX
Motion Carried 6-0-0

A Motion was made and seconded to issue a \$550 fine to Respondent in addition to costs to IPLA and the AG's office.

BURGHDUFF/LAUX
Motion Carried 6-0-0

X. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS FROM OCTOBER 7, 2010 ALJ MEETING

The following hearings were conducted by an Administrative Law Judge, and the following recommended findings are presented to the Full Board for final action. A motion was made and seconded to adopt the recommendations as follows.

BURGHDUFF/LAUX
Motion carried 6-0-0.

A. State of Indiana v. Nadine Pearish, R.N., License No. 28147530A

Administrative Cause No. 2000 NB 023
Re: Request to Reinstate

Ms. Pearish appeared before Jerry Burghduff, acting as the Nursing Board's Administrative Law Judge, in regards to her petition to reinstate her suspended license. The State of Indiana was represented by Deputy Attorney General Thomas McGee. Mr. Burghduff found that the requirements of the Board's 4-16-2002 order have not been satisfied and recommended that the request for reinstatement be denied.

B. In the Matter of the License of: Robert Morrow, L.P.N., License No. 27064368A

Administrative Cause No. 2009 NB 266
Re: Request to Withdraw Probation

Mr. Morrow appeared before Jerry Burghduff, acting as the Nursing Board's Administrative Law Judge, in regards to his petition to withdraw the probationary status from his license. The State of Indiana was represented by Deputy Attorney