

INDIANA STATE BOARD OF NURSING

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

MINUTES OF APRIL 17, 2003

Marsha King, R.N., President, called the meeting to order at 8:30 a.m. and declared a quorum in accordance with IC 25-23-1-5.

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

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

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

Peters/Thomas, 7/0/0

The Board voted to accept the minutes of the March 20, 2003 meeting.

Peters/Thomas, 7/0/0

INDIANA STATE NURSES ASSISTANCE PROGRAM

Tom Bissonette, Program Director of the Indiana State Nurses Assistance Program (ISNAP) was present. He reported that there are a total of 322 nurses being actively monitored. He informed the Board that the educational outreach remains a high priority. Tom distributed the final version of the ISNAP Participant Handbook to each Board Member. He informed the Board that the handbook has been distributed to all

participants and that it will be sent to all providers. Tom addressed the students in the audience.

RULE HEARINGS

LSA Document #02-183 - Interstate nurse licensure compact and multistate licensure privileges

Ernie Klein, Executive Director of the Indiana State Nurses Association spoke on behalf of the Association regarding all of the sets of rules. He expressed their concern regarding the possibility of a nurse moving from state to state without the Nursing Board knowing when they are here in Indiana practicing. Since Mr. Kline has been involved with the Board in writing these rules, he believes that the Indiana Board has covered this issue. He indicated to the Board that ISNA supports this new rule.

After discussion the Board moved to APPROVE the LSA Document #02-183 – Interstate nurse licensure compact and multistate licensure privileges.

Peters/Thomas, 8/0/0

LSA Document #02-247 – Requirements for licensure to practice nursing by examination or endorsement

Ernie Klein’s comments pertained to this set of rules also. After discussion the Board moved to APPROVE the LSA Document #02-247 – Requirements for licensure to practice nursing by examination or endorsement.

LSA Document #02-239 – Fees for updating a multistate licensure privilege form

Ernest Klein, Executive Director of the Indiana State Nurses Association addressed the Board concerning the fees. He also asked that the Board review the amount of staff and time it takes to handle these applications to determine if a fee increase is warranted for future applications.

After discussion the Board moved to APPROVE the LSA Document #02-239 – Fees for updating a multistate licensure privilege form.

DISCUSSION

Revision of Advanced Practice Nurse Rules Regarding Pharmacology Requirement

The Board discussed revising the pharmacology requirement that now exists in the Advance Practice Nurse rules. The proposed language allows for advanced practice nurses who cannot meet the pharmacology course, within the past 5 years, to receive prescriptive authority if they have national certification and a minimum of eight (8) hours of pharmacology within the two (2) years preceding the date of the application . Ernest Klein, Executive Director of the Indiana State Nurses Association (ISNA) was also present and addressed the Board regarding this matter. Mr. Klein stated that we do not require new applicants to meet the national certification requirement and we are setting

two different standards. The Board determined that a sub-committee should be formed to discuss and resolve how this issue should be handled. They moved to CONTINUE this matter until the sub-committee has had time to meet and discuss the issue.

CONSENSUS

Correspondence from Renea Rathbun, LPN, Re: Request for reinstatement hearing – Ms. Rathbun submitted a letter to the Board asking for reinstatement of her suspended license. After discussion, the Board voted to inform Ms. Rathbun that her request for reinstatement is premature and she will need to request reinstatement after her term of suspension is complete. Her request for a hearing was DENIED.

King/Peters, 8/0/0

Correspondence from Lisa Rains, RN, Re: Request for clarification regarding her terms of probation – Ms. Rains submitted a letter to the Board asking if her place of employment could design a program for her to attend that would complete the continuing education she was ordered to attend in her order of probation. The Board requested that Ms. Rains send an overview of the content of the program her place of employment would be offering. The Board will then review the content to determine if it is appropriate to fulfill her probation requirements.

CONSENSUS

Correspondence from Sherrie Cloyd, RN, Re: Request for withdrawal of probation – Ms. Cloyd submitted a letter to the Board asking that her probation be lifted. According to Ms. Cloyd's probation requirements her probation cannot be lifted until she has completed three (3) years of active nursing practice. Ms. Cloyd has not met this requirement. After discussion the Board moved to DENY her request.

King/Jones, 8/0/0

Correspondence from Maureen Fogarty, RN, Re: Request for reinstatement – Ms. Fogarty submitted a letter to the Board asking for reinstatement of her suspended license. After discussion, the Board moved to inform Ms. Fogarty that her request for reinstatement is premature and she will need to request reinstatement after her term of suspension is complete. Her request for a hearing was DENIED.

King/Thomas, 8/0/0

EDUCATION

Presentation by Medical Career Development Center, Inc. – Dr. Ann White and Dr. Mark Vogle addressed the Board concerning a new concept – an On-Line two (2) year Associate Nurse Program. There would be nation-wide clinical rotations. The student would do their didactics on-line and would then rotate through their clinicals in the state where they are currently living. They would also be required to attend a rigorous lab component at the Medical Career Development Center labs. The associate degree would be granted by the National University, which is accredited by NLN and AACN.

The Board thanked them for their presentation and indicated they could not give approval, but looked forward to seeing a curriculum outline with hours indicated. The Board also informed Dr. White and Dr. Vogle, that they would need to consider the Indiana rules on opening a program and be in tune to what our requirements are. They will have to meet the Board's education requirements in order to open such a program.

University of Southern Indiana – Report of Survey Visit – No representatives were present from the University of Southern Indiana. The survey visit was good and there were no unmet. The survey visit was approved. They are currently on full accreditation.

King/Peters, 8/0/0

Report of the Educational Rules Subcommittee – Board members Laurie Peters and Mervin Helmuth gave a report of the subcommittee meeting held April 16, 2003. They informed the Board that discussion has begun on the following concerns: pass rate criteria; approval criteria and outcome; accreditation; qualified faculty. The subcommittee will meet again on June 18, 2003.

Ivy Tech State College, South Bend – Concerns listed on their annual report – FYI

APPLICATIONS

ADVANCED PRACTICE NURSE

Karen Mae Pennington, RN, NP – Ms. Pennington has national certification with ANCC. She received her Masters in May 1986 in which she took her original pharmacology class. She completed a continuing education Pharmacology course in the spring of 1995 at the University of Colorado. After discussion the Board APPROVED Ms. Pennington for prescriptive authority.

King/Slagle, 8/0/0

PERSONAL APPEARANCES

EXAMINATION APPLICANT

Christopher Schepper – Applicant appeared before the Board concerning a positive response on his examination application and was not represented by counsel. Mr. Schepper appeared before the Board in March 2003 concerning his application. He was approved to take the examination and upon successful completion it was requested he make another personal appearance before licensing. Mr. Schepper has passed the examination. He informed the Board that he signed a five (5) year contract with ISNAP on April 2, 2003. After discussion the Board moved to GRANT FULL LICENSURE to Mr. Schepper.

King/Helmuth, 8/0/0

RENEWAL APPLICANT

Kristy Leigh Fannin, LPN, License # 27047009 – Applicant appeared before the Board and was not represented by counsel regarding a positive response on her renewal application. Ms. Fannin informed the Board that she attends at least five (5) AA/NA meetings per week; she sees a therapist twice a week and does random drug screens. She completed an inpatient program at Tara last summer and has not had a drink for the past eight (8) months. After discussion the Board moved to RENEW the applicants license on PROBATION for a period of one (1) year with terms and conditions.

King/Thomas, 8/0/0

ADMINISTRATIVE HEARINGS

Valora D. Roark, LPN, License No. 27048533, Cause No. 2003 NB 0016

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hole the Respondent's license in DEFAULT.

Helmuth/Thomas, 8/0/0

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

King/Peters, 8/0/0

Marsha M. Catchings, LPN, License No. 27038964, Cause No. 2003 NB 0023

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by A. Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hold the Respondent's license in DEFAULT.

King/Shook, 8/0/0

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

Elizabeth Aldenhagen, LPN, License No. 27022312, Cause No. 91 NB 044

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by A. Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hold the Respondent's license in DEFAULT

King/Peters, 8/0/0

The Board further voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of five (5) years and ordered the Respondent to receive an examination from a Board approved Addictionologist and send a copy of the report to the Board.

Rosetta J. Westmoreland, LPN, License No. 27008302, Cause No. 2003 NB 0011

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to hold the Respondent's license in DEFAULT

King/Peters, 8/0/0

The Board further voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) years and ordered the Respondent to receive an examination from a Board approved Addictionologist and send a copy of the report to the Board.

Kathleen Mary Merk, RN, License No. 28141180, Cause No. 2002 NB 0128

Respondent did not appear in person and was not represented by counsel regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by James Holden, Deputy Attorney General. The settlement included INDEFINITE PROBATION for a period of (1) year and must be evaluated by the Indiana State Nurses Assistance Program and sign a contract with them if it is deemed necessary. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

King/Peters, 8/0/0

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

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. The Respondent was terminated from Union Hospital on March 8, 2003 due to a discrepancy in Loratab from the Pixus machine. She took out eighteen (18) Loratab and did not document what happened to the pills. When confronted about this, she said she didn't know what happened and left the building and never came back. During further investigation, the Hospital found that the Respondent removed sixty-one (61) Hydralcodone tablets from the Pixus for patients that did not have orders for Hydralcodone. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondents license on SUMMARY SUSPENSION for a period of ninety (90) days and order the Respondent to received an examination by a Board approved Addictionologist and submit a copy of the report to the Board.

King/Peters, 8/0/0

Patricia Ann Harris, LPN, License No. 27014799, Cause No. 2003 NB 0025

Respondent did not appear in person and was not represented by counsel regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. Ms. Matticks explained to the Board that the Respondent was evaluated by ISNAP and was deemed not to be a candidate for their program. She requested that the Board therefore dismiss this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

King/Thomas, 8/0/0

Jill Marie Humbel, LPN, License No. 27021621, Cause No. 2002 NB 0118

Respondent did not appear in person and was not represented by counsel regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Sara Matticks, Deputy Attorney General. The settlement included INDEFINITE SUSPENSION for a period of three (3) years. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

King/Peters, 8/0/0

Thomas Cleaver Thompson, RN, License No. 28114965, Cause No. 95 NB 035

Respondent did appear in person and was not represented by counsel regarding a Request to Reinstate scheduled before the Board. The State of Indiana was represented by A. Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. On November 11, 1994 the Respondent was incarcerated after being convicted of murder. He stabbed a person with a steak knife during an altercation. The autopsy report indicated that the Respondent used his nursing knowledge during the stabbing. The report indicated that the person would not have had a chance to life except if he had been stabbed in the emergency room. The Respondent indicated to the Board that he was released from prison on February 6, 2003 and was also in the process of reinstating his Kentucky license. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the Respondent's request to reinstate.

Peters/Jones, 8/0/0

Jason Lance Riley, LPN, License No. 27040346, Cause No. 2002 NB 0090

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by N. Rene Gallagher, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. The following were sworn in as witnesses for the State: Dean Meyer, Brian Arkin, Elsie Thengo and Linda Vest. The witnesses all testified that the Respondent moved the patient from the cot to the bed before everyone else joined in causing the patient to hit his head on the top of the bed. The Respondent was charged with a DUI in 1999, he was also arrested for driving on a suspended license. He was arrested in January 2001 for a probation violation; in which he tested positive for Cocaine. He was incarcerated for two hundred-seventy (270) days. The Respondent answer 'no' to all questions on his 2000 and 2002 license renewal. He should have answered positively. The Respondent indicated to the Board that he has been sober and clean for two (2) years and that he is currently attending Marion College to obtain his Registered Nurses license. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE PROBATION for a period of one (1) year with terms and conditions.

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

Let the record reflect that Traci Little left the meeting for a prehearing conference.

Leslie A. Benjamin, LPN, License No. 27041743, Cause No. 2002 NB 0119

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing/Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by N. Rene Gallagher, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

King/Peters, 6/0/1, with Ms. Slagle abstaining

Mary Elaine Fuller, LPN, License No. 27042248, Cause No. 2003 NB 0020

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing/Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 7/0/0

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

Peters/Jones, 7/0/0

Ruth Cioroianu, R.N., License No. 28091771, Cause No. 2003 NB 0037

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. Sally Christensen, Case Manager with the Indiana State Nurses Assistant Program was sworn in as a witness for the State. Ms. Christensen testified that the Respondent's ISNAP contract was closed due to non-compliance. Ms. Christensen informed the Board that the Respondent has had several positive drug screens and she believes she is an immediate threat to the public if she continues to practice. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of ninety (90) days and ordered the Respondent to receive an examination by a Board approved Addictionologist and send a copy of the report to the Board.

King/Thomas, 7/0/0

Rita Marie Ward, RN, License No. 28075808, Cause No. 2003 NB 0034

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by N. Rene Gallagher, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 7/0/0

Let the record reflect that Traci Little returned to the meeting.

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

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by James Holden, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. Mr. Holden requested that the Board grant a continuance in this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to GRANT the CONTINUANCE.

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

Sharon K. Carsrud, RN, License No. 27028444, Cause No. 2003 NB 0037

Respondent did appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Linda Merkl. Norma VanDoorn and Lisa Hampshire were sworn in as witnesses for the State. Ms. VanDoorn testified that she saw the Respondent take narcotic tablets from one pamphlet and taped them to the backside of another pamphlet. She also told the Board that she had to wake the Respondent up at least three (3) times while she was on duty. Ms. Hampshire testified that Ms. VanDoorn called her because the Respondent was asleep and she needed help and didn't know what to do. Ms. Hampshire stayed on the phone while Ms. VanDoorn woke up the Respondent. After this shift was over, the narcotic count was processed and it was found that one (1) Darvocet tablet was missing. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the SUMMARY SUSPENSION.

King/Jones, 8/0/0

Let the record reflect that Maurene Thomas left for the day.

Donna Jean Ross, LPN, License No. 27037769, Cause No. 2003 NB 0024

Respondent did appear in person and was represented by Lara Engleking regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for the

matter was Linda Merkl. The following were sworn in as witnesses for the State: Paula Chika, Karen Shera and Mary Carnes. The following were sworn in as witnesses for the Respondent: Frances Egner, Augusta Harper, Rachel Scott, Cindy Staten, Jerri Keck, Melissa Love and Ron Gullion. The Respondent was terminated from the Mascatuck State Development Center for possible abuse to a patient. Ms. Chika is a surveyor for the State Department of Health. During a survey visit she testified that she witnessed the Respondent yell at and kick a patient. Ms. Shera testified she saw the kicking action but did not see contact with the patient's leg. Ms. Carnes testified that she did not see the incident, but she took down Ms. Chika's statement and prepared the paperwork for the Respondent's immediate termination. Ms. Egner testified that the Respondent cares for her Daughter and she has never known the Respondent to raise her voice or be abusive at anytime. Ms. Harper testified that she evaluated the patient's leg after the supposed incident and that there were no red marks or bruising on his leg. Ms. Love testified that the employee's were taught to raise their leg in a block when a patient was kicking at them. She felt that this was what the Respondent was tempting to do. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year. This vote failed to pass.

King/Peters, 3/4/0, with Mr. Helmuth, Ms. Shook, Ms. Little, and Ms. Jones objecting

After further discussion, the Board again moved to DISMISS this matter.

Jones/Shook, 4/3/0, with Ms. King, Ms. Peters and Ms. Slagle objecting

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

The Board approved the following ALJ recommendation submitted by Celinda Kay Leach, R.N. from the March 17, 2003 meeting.

Cynthia Devine, RN

There being no further business the Board adjourned at 12:35 a.m.

Marsha M. King, R.N., President

Darla Jones, L.P.N., Secretary

