

INDIANA STATE BOARD OF NURSING

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

MINUTES OF AUGUST 21, 2003

Laurie Peters, 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:	Laurie Peters, R.N., President Mervin Helmuth, R.N., Vice President Marsha King, RN, Member Carolyn Slagle, R.N., C.N.S., Member Janis Shook, L.P.N., Member
Member Absent:	Maurene Thomas, R.N., Member Darla Jones, L.P.N., Secretary Traci Little, Consumer Member
Staff Present:	Kristen Kelley, Board Director Health Professions Bureau Jody Edens, Assistant Director Health Professions Bureau Jennifer Gesinski, Case Manager Health Professions Bureau Gordon White, Deputy Attorney General Office of the Attorney General

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

Helmuth/King, 5/0/0

The Board voted to accept the minutes of the July 15, 2003, meeting as amended.

Helmuth, King, 5/0/0

INDIANA STATE NURSES ASSISTANCE PROGRAM

Tom Bissonette, Program Director of the Indiana State Nurses Assistance Program (ISNAP) was present. Tom introduced Donna Goch, the new Program Director of the Indiana State Nurses Assistant Program to the Board. Tom recently was hired as Director of the Michigan Nurses Association. Tom thanked the Board for all of their support

during his time as program director. The Board thanked him for his dedication and hard work. Donna Goch reported that there are a total of 352 nurses being actively monitored. Donna also submitted a listing of ISNAP's educational presentations done since July 2001.

DISCUSSION

Correspondence from Kathy Duncan – Re: Reinstatement of License – Respondent was not present, and was not represented regarding this matter. Ms. Duncan signed a letter of intent to surrender her license permanently. However, the State's Final Order does not indicate that it was a permanent surrender. Ms. Duncan is requesting a hearing to have her license reinstated. After discussion the Board stated that Ms. Duncan could reapply as a new examination candidate.

Peters/King, 5/0/0

NCSBN – Kristen Kelley attended the annual meeting of the National Council of State Boards of Nursing. She reported to the Board some of the changes that were going to take place. The NCLEX examination will be able to be taken every 45 days versus the current 90 days. They are going to almost double the time that Registered Nurses have to take the examination and they are looking at International testing. There were also some good discussions on multi-state licensure. Kristen also informed the Board that Indiana was recognized as one of the best states to return information requested in speed memos.

Margaret Gramza – letter requesting to come off of probation – Respondent was not present, and was not represented regarding this matter. After reviewing Ms. Gramza's request and taking official notice of its file in this matter, the Board moved to DENY the Respondent's request as the time period has not yet lapsed in which she can apply.

Peters/King, 5/0/0

EDUCATION

Ivy Tech State College, Columbus – Application for Accreditation of ASN program
The School Representatives informed the Board that the area of the state does not currently have an ASN program. Columbus Regional Hospital is helping to raise funds for equipment and is also involved with Ivy Tech in a search to obtain MSN prepared faculty. The hospital has agreed to share faculty for two (2) years. They have approximately 297 people interested in doing an LPN to ASN program. They will share labs with the LPN program. After discussion the Board APPROVED the

start of the Program. The Board informed the Representatives their next step would be to have a survey.

Helmuth/Shook, 5/0/0

Valparaiso University College of Nursing – Curricular Changes – Jane Brown from Valparaiso University addressed the Board. She explained to the Board that the new curriculum was a difference in philosophy. They want to do community outreach. For example, have students working in homes, the student would be with the mom through labor, delivery and then would go to the home to follow up on the mom and baby. The faculty to student ratio would normally be 1-7 or 1-8 but would never go over the 1-10 ratio. After discussion the Board moved to APPROVE the curricular changes.

Helmuth/King, 5/0/0

Ivy Tech State College, Kokomo – Clarification on the increase of enrollment – FYI

Ancilla College – Letter of intent to open an ASN program – FYI

Indiana State University – Notification of enrolling the last incoming class – FYI

PERSONAL APPEARANCES

EXAMINATION APPLICANTS

Adam G. Benham – Mr. Benham appeared before the Board concerning a positive response on his examination application and was not represented by counsel. Mr. Benham explained to the Board he served one (1) year criminal probation for illegal possession of alcohol. With his probation he attended a program at the Terre Haute Rehabilitation Hospital. After discussion the Board moved to APPROVE Mr. Benham to take the NCLEX examination and upon successful completion he must make a personal appearance before licensure.

Peters/King, 4/0/1, with Ms. Shook abstaining

James L. Grimes – Mr. Grimes appeared before the Board concerning a positive response on his examination application and was not represented by counsel. Mr. Grimes explained to the Board that in 1990 he was arrested at the Indianapolis 500 for public intoxication. He received one (1) year probation and three (3) days in jail. He attended alcohol classes. He indicated to the Board that he has not had any problems since this time concerning alcohol. He also informed them that he is currently on one (1) year probation for disorderly conduct. He explained that he got into an argument with his wife's ex-husband. The ex-husband, who is currently incarcerated for murder, was intentionally dragging this matter out in the court system so Mr. Grimes pled guilty to the disorderly conduct in order to end the matter. After

discussion the Board moved to APPROVE Mr. Grimes to take the NCLEX examination and upon successful completion he may be licensed.

Helmuth/King, 4/0/1, with Ms. Peters abstaining

ENDORSEMENT APPLICANTS

Dennis M. Grey, RN – Mr. Grey appeared before the Board concerning a positive response on his endorsement application and was not represented by counsel. Mr. Grey explained to the Board that his Ohio license is currently on Probation for abuse of a patient. He explained that he was trying to restrain a patient without help and when he tried to move the patient up against the wall he lifted him up 2-3 inches off of the floor. As he was moving him toward the wall, the patient hurt Mr. Grey's hand so badly that he let go of him and the patient fell the 2-3 inches back to the floor. He also told the Board that he is under the care of a Psychiatrist and a Social Worker. He sees them for anger management and career counseling. He indicated to the Board that Ohio mandated the anger management counseling. After discussion the Board moved to TABLE this matter until Mr. Grey obtained a letter from both his Psychiatrists and his Social Worker on his progress and a list of the medications he is currently taking

CONSENSUS

Holly Green, RN – Ms. Green appeared before the Board concerning a positive response on her endorsement application and was not represented by counsel. Ms. Green explained to the Board that she was fired for incorrect documentation of a narcotic. She was evaluated by an Addictionologist and was deemed that she was not a candidate. She has had three (3) urine drug screens and all were negative. Kentucky Board has filed charges against her but there has not been a final hearing at this time. After discussion the Board moved to issue Ms. Green a license on INDEFINITE PROBATION with terms and conditions. Part of her terms and conditions are that she must be evaluated by ISNAP and must sign a contract and be in compliance if they deem it necessary. She must also inform the Board of Kentucky's final action.

King/Peters, 5/0/0

Ricky A. Crouse, RN – Mr. Crouse appeared before the Board concerning a positive response on his endorsement application and was not represented by counsel. Mr. Crouse explained to the Board that in 2000 he was arrested for diversion of a narcotic. He also explained that he has been involved with ISNAP as soon as he moved to Indiana and signed a contract with them on June 24, 2003. He told the Board his sobriety date is October 7, 2000. He is on Probation in Colorado and is in compliance. After discussion the Board moved to APPROVE his application for licensure.

RENEWAL APPLICANTS

Susan Francine Raman Balog, RN, License No. 28148626 – Continued

Rhonda Frances Reddy, RN, License No. 28103722 – Ms. Reddy appeared before the Board concerning a yes response on her renewal application and was represented by Joan Isaacs. Ms. Isaacs explained to the Board that Ms. Reddy appeared before the Board in January 2002, concerning this renewal application. The Board at that time moved to neither renew nor deny but referred it to the Attorney General's Office for an expedited investigation. It has been over a year and nothing has been resolved. Ms. Reddy explained to the Board in 1999 she was fired from Methodist for a blood administration error. They have a no tolerance policy on blood administration errors. She also explained that the patient was not hurt in any way due to her error. She also explained that while she was working at a different facility a patient fell out of bed and hung himself. She was the manager on duty when this happened. She indicated that she was fired from the facility two weeks later but this death was never mentioned in relationship to her termination. Ms. Isaacs requested that the Board renew Ms. Reddy's license until the Attorney General's office completes their investigation. After discussion the Board moved to DENY the request for renewal and ordered the Attorney Generals Office to expedite this investigation.

Peters/Helmuth, 5/0/0

ADMINISTRATIVE HEARINGS

The following hearings were continued.

Donna Hawkins, LPN, License No. 27044780A, Cause No. 2003 NB 0074

Jackie D. Nix, LPN, License No. 27035847A, Cause No. 2003 NB 0033

Charlotte E. Blevins, LPN, License No. 27027748A, Cause No. 2003 NB 0069

Elizabeth Anne West, RN, License No. 28142065A, Cause No. 2002 NB 0075

Jerome August Cherny, PhD, RN, License No 28086391A, Cause No. 2003 NB 0068

Denise Duffy, LPN, License No. 27050225, Cause No. 2001 NB 096

Respondent did appear before the Board and was not represented by counsel regarding a Request to Modify the Order of Probation. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Charlotte Hedrick. Tom Bissonette was sworn in to testify at the request of the Board. Ms. Duffy explained to the Board that due to three (3) DUI's she had previously entered into a contract with ISNAP. She told the Board that she has gone nineteen (19) months without any problems. Dr. Turner, an Addictionologist, recently evaluated

her. His report indicated that she does not have a problem with alcohol and that she does not need to continue with the program. The Board requested Mr. Bissonette to speak regarding this matter. Mr. Bissonette informed the Board of Ms. Duffy's progress. She has had one (1) missing and four (4) late urine drug screens. He also indicated that she has had four (4) dilute urine drug screens due to blood pressure medicine. Tom also informed the Board that Dr. Turner was no longer on the list of approved Addictionologists. After having considered the evidence presented, the testimony of the witness and taking official notice of its file in this matter the Board moved to DENY the Respondent's request for modification.

Peters/King, 5/0/0

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

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General for the State of Indiana and the court reporter sworn in for this matter was Charlotte Hedrick. Donna Goch was sworn in as a witness to testify for the State. Ms. Goch testified that the Respondent contacted ISNAP and was sent to an outpatient program at Aurora. She was discharged from that program for non-compliance. ISNAP then ordered her to go to an inpatient program and she failed to do so. Her ISNAP contract was closed for non-compliance. The Respondent testified that she had a prescription for the drug she tested positive for in her urine drug screen. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board placed the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) months. During this time the Respondent must be re-evaluated by ISNAP and sign a new contract with which she must be compliant for a period of forty-five (45) days before she can request the suspension to be removed.

Peters/King, 4/0/1, with Ms. Slagle abstaining

Brenda Sue Russell, RN, License No. 28121645A, Cause No. 2003 NB 0099

Respondent did appear in person and was represented by James Lowry regarding a Petition for Summary Suspension scheduled before the Board. Bruce Curry and Thomas Bates were sworn in as witnesses to testify for the State. Mr. Curry testified that an investigation concerning Ms. Russell was initiated at the Plainfield Correctional Center for possible inappropriate conduct with an inmate. It was found that the Respondent obtained a Post Office Box address so that she and offender K could write back and forth to each other. Offender K indicated to Mr. Curry that the Respondent also exposed herself to him and that they had sexual relations. Mr. Curry also informed the Board that the Respondent's husband informed him that she was contacting another inmate and that she has sent him a family picture that included their children. The particular inmate was incarcerated for child molestation. They did find the picture and letters that the Respondent had sent to inmate JR. Mr. Curry told the Board that the Correctional facility "closed the gate" on Ms. Russell, which

means she is not allowed back on the grounds or into the facility. Detective Bates testified that he interviewed the Respondent and she admitted having sexual intercourse with offender K. Ms. Russell admitted to the Board that she did do these things but only because she was off of her Bi-Polar medicine. She was been charged with two (2) counts of a D Felony. She received a one (1) year suspended sentence and one (1) year criminal probation, which ends March 2004. The terms of her criminal probation include community service, no alcohol and no contact with the offenders. She sees her Psychiatrists monthly for treatment of her Bi-Polar disease. Respondent admitted that the State's allegations are true, however, they asserted that she is currently not an immediate threat to public health and safety. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

King/Helmuth, 4/0/1, with Ms. Shook abstaining

Tina Marie Poe, RN, License No. 28106565A, Cause No. 2002 NB 0077

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Donna Goch was sworn in as a witness to testify for the State. Ms. Goch testified to the Board that Ms. Poe had been placed on administrative leave due to missing controlled substances before she joined ISNAP. The administrative leave took place on June 10, 2003 but she failed to tell Ms. Goch this during the meeting with her on June 19, 2003. Ms. Goch also informed the Board that Ms. Poe is now in full compliance. Ms. Poe explained to the Board that she knows she should have told Ms. Goch about the leave and that she realizes now how important it is to be totally honest with ISNAP and the Board. She goes to AA meetings every day and is getting ready to start individual counseling. Her sobriety date is June 19, 2003. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to place the respondents license on INDEFINITE SUSPENSION for a period of thirty (30) days.

Peters/Shook, 4/1/0, with Ms. King objecting

Valerie Karen Pasko, RN, License No. 28120745A, Cause No. 2002 NB 041

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and Ryan Claxton, Law Clerk. The court reporter sworn in for this matter was Lori Keen. Mr. Claxton informed the Board that the Respondent has been compliant with her probationary terms and the State does not object. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the order of Probation.

Peters/Helmuth, 5/0/0

Let the record reflect that Marsha King abstained from the following hearing.

Derrick Garrett, LPN, License No. 27043056A, Cause No. 2003 NB 0064

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Eloise Williams was sworn in as a witness to testify for the State. Ms. Williams testified that the Respondent left the facility while he was on duty as the shift manager. Mr. Garrett indicated to the Board that he was not on duty, he was scheduled off for his sister's funeral. He went into the facility to do some paper work and then left to go home and pack. He then returned to the facility to finish up some more paper work. He was not on duty at this time he was just going in to clean up some unfinished paper work before he left for the funeral. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Teresa Anne Miller, LPN, License No. 27043250A, Cause No. 2002 NB 079

Respondent did appear in person and was represented by Cynthia Rose regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A settlement agreement between the Respondent, her counsel and the office of the Attorney General was presented to the Board by Shelley Johnson, Deputy Attorney General. The settlement included a LETTER OF REPRIMAND and she must complete a continuing education class on cad-pumps. After discussion Board moved to ACCEPT the agreement.

Peters/Helmuth, 5/0/0

Stephen J. Federspiel, RN, License No. 28086593A, Cause No. 2003 NB 0088

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Peters/Helmuth, 5/0/0

Susan Kaye Mack, RN, License No. 28104479A, Cause No. 2003 NB 0061

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and

taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Peters/Shook, 5/0/0

Amy Rebecca Simpson, LPN, License No. 27032791A, Cause No. 2003 NB 0043

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

At the request of Ms. Johnson, the Board agreed to hear testimony from the State's witness. Sworn in to testify for the State was Michael LeSaux. Mr. LeSaux testified that he had been requesting a copy of the Respondent's current license for about six (6) months and when the Respondent did not produce a copy he verified with the Health Professions Bureau that the Respondent's license had expired October 31, 2000. He testified that the Respondent was working as a LPN during the time when her license was expired October 31, 2000 through April 4, 2001. The Board thanked him for his testimony.

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

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing/Hearing to Renew Summary Suspension scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A settlement agreement between the Respondent and the Office of the Attorney General was presented to the Board by Kate Sinn, Deputy Attorney General. The settlement included INDEFINITE PROBATION for a period of five (5) years with terms and conditions. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Peters/King, 5/0/0

Niokah Rae Clapp, RN, License No. 28147030A, Cause No. 2003 NB 0060

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 Kate Sinn, Deputy Attorney General and Elizabeth Kiefner, Law Clerk and the court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Peters/Slagle, 5/0/0

Rachel Lynn Moore, RN, License No. 28124919A, Cause No. 2003 NB 0062

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 Jim Holden, Deputy Attorney General and Patrick McCool, Law Clerk. The court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Peters/King, 5/0/0

After further discussion the Board moved 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 certified Addictionologist and send a copy of the report to the Board prior to petitioning for reinstatement.

Peters/Slagle, 5/0/0

Mary Lou Bishop, LPN, License No. 27006971A, Cause No. 2003 NB 0058

Respondent did not appear in person and was not represented by counsel regarding an Agreement for Voluntary Permanent Surrender scheduled before the Board. The State of Indiana was represented by Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. A settlement agreement between the Respondent and the Office of the Attorney General was presented to the Board by Kate Sinn, Deputy Attorney General. The settlement included VOLUNTARY PERMANENT SURRENDER of the Respondent's license. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Peters/King, 5/0/0

Carol Lynn Lawson, RN, License No. 28100256A, Cause No. 2003 NB 0046

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 Jim Holden, Deputy Attorney General and Patrick McCool, Law Clerk. The court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Peters/King, 5/0/0

After further discussion the Board moved 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 certified Addictionologist and send a copy of the report to the Board prior to petitioning for reinstatement.

Peters/King, 5/0/0

Marnie E. Moore, LPN, License No. 27040223A, Cause No. 2003 NB 0072

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 Jim Holden, Deputy Attorney General and Patrick McCool, Law Clerk. The court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Peters/Helmuth, 5/0/0

The Respondent's driver's license was suspended due to the high number of alcohol incidents. The Respondent also lied on his nursing license renewal by answering 'no' to the criminal conviction question. After further discussion the Board moved 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 certified Addictionologist and send a copy of the report to the Board prior to petitioning for reinstatement.

Peters/Helmuth, 5/0/0

Candy L. Thompson, LPN, License No. 27027321A, Cause No. 2003 NB 0063

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 Jim Holden, Deputy Attorney General and Patrick McCool, Law Clerk. The court reporter sworn in for this matter was Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Peters/Helmuth, 5/0/0

Respondent was terminated from Waters of Clifty Falls for drug diversion. He was required to contact ISNAP by the Office of the Attorney General but did not. He is currently in violation of his criminal probation. After further discussion the Board moved 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 certified Addictionologists and send a copy of the report to the Board prior to petitioning for reinstatement.

Peters/Slagle, 5/0/0

There being no more business the meeting adjourned at 5:10 p.m.

Laurie Peters, RN, President

Darla Jones, LPN, Secretary