

INDIANA STATE BOARD OF NURSING

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

MINUTES OF JULY 15, 2004

Mervin Helmuth, R.N., Vice President, called the meeting to order at 8:35 a.m. and declared a quorum in accordance with IC 25-23-1-5.

Members Present:	Mervin Helmuth, R.N., Vice President Carolyn Slagle, R.N., C.N.S., Member Susan Dye, R.N., Member Traci Little, JD, Consumer Member Laurel Valentino, R.N., Member Janis Shook, L.P.N., Member
Members Absent:	Laurie Peters, R.N., President Darla Jones, L.P.N., Secretary Ann Parker, R.N., Member
Staff Present:	Kristen Kelley, Board Director Health Professions Bureau Jody Edens, Assistant Board 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.

Helmuth/Shook, 5/0/0

The Board voted to adopt the minutes of the June 17, 2004 meeting as amended.

Helmuth/Shook, 5/0/0

DISCUSSION

In the Matter of Kathy Sanders, LPN, Cause No. 2001 NB 078 RE: Request for early reinstatement – Ms. Sanders petitioned the Board, by letter, to have her license reinstated. Steven Douglas, Deputy Attorney General represented the State in this matter. Mr. Douglas stated that Ms. Sanders was suspended for a period of five (5) years by the Board and that would not make her eligible for reinstatement until 2007. After reviewing the information provided by Mr. Douglas and Ms. Sanders, the Board moved to allow Ms. Sanders to have a hearing regarding this matter after she has successfully completed her criminal probation and the probation on her license with the State of Kentucky.

CONSENSUS

EDUCATION

Indiana University Indianapolis – Notice of new nursing program administrator – FYI

Indiana University Northwest – Plan of Correction - The Board reviewed Indiana University Northwest's plan of correction for improving their pass rates. The Board moved to ACCEPT their plan of correction.

CONSENSUS

Indiana University South Bend – Plan of Correction – The Board reviewed Indiana University South Bend's plan of correction for improving their pass rates. The Board had a question about the pharmacology course being offered as an elective. A representative from Indiana University Indianapolis explained to the Board that the pharmacology course is in addition to the established pharmacology taught in the program. The Board moved to ACCEPT their plan of correction.

CONSENSUS

Olympia College – Plan of Correction – The Board moved to TABLE this matter until the upcoming survey visit is complete.

CONSENSUS

Ivy Tech State College Richmond – Request to expand the traditional ASN program – After discussion the Board moved to APPROVE the expansion of the traditional ASN program.

CONSENSUS

University of Indianapolis – CCNE accreditation approval – FYI. The Board congratulated the University of Indianapolis on this accomplishment.

St. Elizabeth School of Nursing – Proposed curriculum revisions – John Jezierski, MSN, RN, St. Elizabeth School of Nursing and Judith Jezierski, RN, Chair, St. Joseph College BSN Completion Program, appeared before the Board regarding this matter. In conjunction St. Elizabeth and St. Joseph will offer a BSN/Diploma degree. Mr. Jezierski explained to the Board that all students will receive a BSN degree from St. Joseph and they will also receive the Diploma from St. Elizabeth. All students will know that they belong to both entities. After discussion the Board moved to APPROVE the proposed curriculum revisions.

Helmuth/Dye, 6/0/0

RULE HEARING

Rule Hearing – LSA #04-65 Nursing Education Rules – The Board received testimony regarding the proposed education rule changes.

- 848 IAC 1-1-2.1(2) and (4)

Jane Kirkpatrick, Purdue University, suggested the partial line that is stricken “within the structure of a college or university” should be kept in the definitions. She feels that taking this wording out would open up risks of unqualified facilities possible opening a program.

Vick Kirkton, Goshen College informed the Board that she agrees with Ms. Kirkpatrick in that the wording should be left in the definitions.

- 848 IAC 1-2-7(c)

To be consistent throughout the education rules Kristen Kelley suggested that the Board add the word “objectives” after the word “mission” in this section.

- 848 IAC 1-2-12(7)

A letter was sent to the Board questioning the number of students that a preceptor can supervise. The Board responded that this isn’t a change in the rules, but a clarification. Faculty can only be responsible for no more than ten (10) students.

- 848 IAC 1-2-16(d) and (f)

To be consistent throughout the education rules Kristen Kelley suggested that in both sections the Board add the word “mission” after the word “philosophy.”

- 848 IAC 1-2-19(a)

Pam Aaltonen, Purdue University West Lafayette, questioned the new section defining “deeming authority”. She indicated to the Board that some clinical sites are not licensed by anyone and wanted to know if the new language will exclude these sites. Mr. Helmuth replied that it would not exclude the unlicensed sites.

- 848 IAC 1-2-21(c)

Sharon Isaacs, University of Indianapolis wanted to know from the Board if a student received below a “C” in just one subject could they just take that one course over? The Board indicated that this would be an institutional policy.

After discussion the Board moved to keep the wording “within the structure of a senior college or university in 848 IAC 1-1-2.1(2) and (3); to add the word “mission” in 848 IAC 1-2-7(c); to add the word “mission in 848 IAC 1-2-16(d) and to add the word “mission in 848 IAC 1-2-16(f). The Board moved to APPROVE the revised education rules.

Helmuth/Slagle, 6/0/0

Let the record reflect that board member Traci Little left the meeting room.

PERSONAL APPEARANCES

EXAMINATION APPLICANTS

Jacqueline Jean Clark – Ms. Clark appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Clark informed the Board that she was terminated during her ninety (90) day trial period. When she was terminated she was told it was for verbal abuse of a patient. When she questioned them about the verbal abuse they would not give her any information as Indiana is an “at will” State. She later got copies of her personnel file and the documented reason for termination was “attitude”. She was terminated from a second facility because she fell asleep while on duty, which resulted in an injury to a patient. While she was asleep a patient fell out of his wheelchair. She was eventually diagnosed as having Narcolepsy. Once she received the diagnoses the facility marked in her file that she could be rehired. After discussion the Board moved to APPROVE for licensure upon her successful completion of the NCLEX examination.

Helmuth/Valentino, 5/0/0

Heather McCray – Ms. McCray appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. McCray informed the Board that she has previously completed an outpatient

program and her sobriety date is December 1995. After discussion the Board moved to APPROVE her for licensure upon successful completion of the NCLEX examination.

Helmuth/Slagle, 5/0/0

Jennifer Ritchie – Ms. Ritchie appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Ritchie informed the Board that she has taken and passed the NCLEX examination. She informed the Board in 1997 she received treatment for depression and completed an outpatient treatment program. After discussion the Board moved to APPROVE Ms. Ritchie for licensure.

Helmuth/Slagle, 5/0/0

Tara L. Ryan – Ms. Ryan appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Ryan informed the Board that in April 2003 she received a DUI. She has completed counseling and an outpatient treatment program. Her sobriety date is April 9, 2003. She still sees her counselor. After discussion the Board moved to APPROVE Ms. Ryan for licensure after she has been evaluated by ISNAP and follows their recommendation(s).

Helmuth/Slagle, 5/0/0

Heather Reyer – Ms. Reyer appeared before the Board concerning a positive response on her examination application and was not represented by counsel. Ms. Reyer informed the Board that she has contacted ISNAP and has been evaluated by Dr. Macke. At this time ISNAP is waiting on Dr. Macke's evaluation report to establish a contract with Ms. Reyer. After discussion the Board moved to APPROVE Ms. Reyer for licensure after she has signed her ISNAP contract.

Helmuth/Dye, 5/0/0

ENDORSEMENT APPLICANTS

Rebecca Davis, RN – Ms. Davis appeared before the Board concerning a positive response on her endorsement application and was not represented by counsel. Ms. Davis informed the Board that she was on probation in the State of Kentucky for administering Diprivan without a written order. This was at the hospital where several nurses were terminated for following an unwritten hospital policy of administering Diprivan without a written order to make the patient comfortable. She informed the Board that she has completed her 60 hours of CEU's and paid the \$1,000 fine ordered by Kentucky. After discussion the Board moved to APPROVE licensure for Ms. Davis.

Valentino/Shook, 5/0/0

Ronnita Isenhower, RN – Ms. Isenhower appeared before the Board per their request. She had been working in Indiana without a current temporary permit or a full license. The Board had tabled this matter from last month. After discussion the Board moved to APPROVE Ms. Isenhower for licensure.

Helmuth/Slagle, 5/0/0

Cathy Lynn Lanham, LPN – Ms. Lanham did not appear before the Board

Phyllis Genevieve Nelson, RN – Ms. Nelson did not appear before the Board

RENEWAL APPLICANT

Patricia B. Bowlds, LPN – Ms. Bowlds did not appear before the Board. After discussion the Board moved to DENY Ms. Bowlds request to renew.

Helmuth/Shook, 5/0/0

ADMINISTRATIVE HEARINGS

The following hearings were continued.

Katherine B. Richardson, RN, License No. 28119462A, Cause No. 2004 NB 0086
Beth Ann Pearson, RN, License No. 27041791A, Cause No. 2004 NB 0001
Barbara A. Archer, RN, License No. 28117408A, Cause No. 2003 NB 0188
Barbara Jean Larson, RN, License No. 28103467A, Cause No. 2003 NB 0194
Jeffrey Arnold Ziegler, LPN, License No. 27046776A, Cause No. 2003 NB 0195

The following hearing was cancelled.

Cynthia E. Bolenbaugh, RN, License No. 28129081A, Cause No. 2003 NB 0159

Patricia Brown, LPN, License No. 27028434A, Cause No. 2003 NB 0176
Respondent did appear in person and was represented by Joan Isaacs 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 Charlotte Hedrick. Valerie Bunch was sworn in as a witness to testify for the State. Ms. Bunch testified that she is a C.N.A. and she worked for the Respondent. Ms. Bunch testified that she saw the Respondent roughly grab the resident from the floor and dropped her into the wheelchair. She also indicated to the Board that the Respondent yanked a shirt off a resident by bending the torso all the way down to the knees while the resident was sitting on the bed. She also indicated to the Board that she has heard the Respondent say curse words to and about the residents under her breath. Ms. Brown submitted letters of recommendation to the Board from several of her former employers and

her current employer. She was praised in all the letters. Ms. Brown informed the Board that she did not have a good working relationship with Ms. Bunch and she felt that Ms. Bunch made this complaint to her employer because of their relationship. She indicated that she has written Ms. Bunch up several times for not performing her duties and for being on personal telephone calls. Ms. Brown also indicated to the Board that she was not terminated but that she quit the day her employer informed her of Ms. Brown's accusations. She indicated that she had never received the termination letter. 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 the complaint.

Shook/Valentino, 5/0/0

Kimberly A. Schultz, LPN, License No. 27033537A, Cause No. 2004 NB 0069

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 Charlotte Hedrick. 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.

Helmuth/Dye, 5/0/0

The Board further moved to issue a NOTICE OF PROPOSED DEFAULT.

Helmuth/Dye, 5/0/0

Cynthia Ritter Smith, LPN, License No. 27029402A, Cause No. 2004 NB 0169

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 Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. An agreement between the Respondent and the Attorney General's Office was presented to the Board by Steven Douglas, Deputy Attorney General. The agreement included a CONTINUANCE of this matter and the RENEWAL of the SUMMARY SUSPENSION for a period of ninety (90) days. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Helmuth/Slagle, 5/0/0

Tricia Ann Zink, LPN, License No. 27044844A, Cause No. 2004 NB 0063

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 Charlotte Hedrick. 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.

Slagle/Helmuth, 5/0/0

Linda Haislup, RN, License No. 28079933A, Cause No. 2003 NB 0138

Respondent did 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 Shelley Johnson, Deputy Attorney General. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Shelley Johnson, Deputy Attorney General. The settlement included INDEFINITE SUSPENSION until the Respondent is back in ISNAP and is compliant. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement.

Helmuth/Shook, 5/0/0

Dawn Waterman, LPN, License No. 27031055A, Cause No. 2003 NB 0184

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 Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Ms. Matticks requested a continuance of this matter. She informed the Board that she expected the Respondent to attend this hearing and wasn't sure why she wasn't there. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter.

Helmuth/Dye, 5/0/0

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

Linda Gail Hall, LPN, License No. 27021822A, Cause No. 2003 NB 0087

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Donna Goch, by phone, was sworn in as a witness to testify for the State. Ms. Sinn reminded the Board that the Respondent's license was placed on an agreed Indefinite Probation for a period of three (3) years and she was ordered to sign a contract with ISNAP and stay compliant. Ms. Goch testified that the Respondent contacted ISNAP and was asked to obtain an evaluation. They have not been able to contact the Respondent since that request. The Respondent informed the Board that her ISNAP Case Manager was very negative and she just could not deal with the negativity. The Board suggested that she ask ISNAP that she be assigned to a new Case Manager.

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 Respondent's license on INDEFINITE SUSPENSION until she signs a contract with ISNAP. Her original INDEFINITE PROBATION for a period of three years will be reinstated when her Suspension is lifted.

Helmuth/Dye, 5/0/1, with Ms. Little abstaining

Patricia Kay Richardson, LPN, License No. 27030521A, Cause No. 2004 NB 0058

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Laura Wilford, Deputy Attorney General. The settlement included INDEFINITE PROBATION for a period of (1) year. The settlement also included three (3) CEU's in Ethics and a \$250.00 fine. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Helmuth/Shook, 4/1/1 with Ms. Slagle objecting and Ms. Little abstaining

Let the record reflect that Traci Little left the meeting to attend a settlement conference.

Judy Ann Nuerge, LPN, License No. 27030162A, Cause No. 2003 NB 0094

Respondent did appear in person and was represented by Raphael Ramirez 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 Charlotte Hedrick. Robin Carter, Nicole Hardy and Tracy Schoults were sworn in as witnesses to testify for the State. Ms. Carter testified that she assisted the Respondent in giving a Fleet Enema to a resident. The Respondent had the resident stand in the shower for the administration of the Fleet Enema. Ms. Carter testified that the resident was yelling and screaming while the Respondent was attempting to insert the Enema. Ms. Carter said she saw four to five droplets of blood fall to the shower floor and the Respondent said to them that it was normal to bleed during an Enema. She tried to insert the Enema two (2) more times and then gave up and put the resident back to bed. An hour later, Ms. Carter found the residents diaper full of blood. The Respondent was sent to the wound clinic for evaluation. Nicole Hardy, RN testified that she was not present during the administration of the Enema, but that she did the investigation of the incident. Tracy Schoults, RN, DON was on vacation during the incident. She met with the Respondent only for the counseling and subsequent termination. After those witnesses testified, the Board moved to RECESS this matter until the August 2004 Board meeting.

CONSENSUS

Let the record reflect that Traci Little rejoined the meeting.

Jacqueline S. Sissel, RN, License No. 28125708A, Cause No. 2003 NB 0082

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Ms. Sinn informed the Board that the Board rejected a previous settlement for this matter. The Complaint alleged that the Respondent ingested numerous drugs at one time and attempted to take her own life in an auto accident. Respondent testified that she does not suffer from an addiction problem. In addition, ISNAP concluded that she was not a candidate for the program. Since that time the Respondent has been released by her counselor, is off of her medication and is much more stable. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Slagle/Valentino, 6/0/0

Christy Ann Grose, RN, License No. 28132947A, Cause No. 2004 NB 0118

Respondent did not appear in person and was not represented by counsel regarding a Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Laura Wilford, Deputy Attorney General and the Court reporter sworn in for this matter was Charlotte Hedrick. An agreement between the Respondent and the Attorney General's Office was presented to the Board by Kate Sinn, Deputy Attorney General. The agreement included RENEWAL of the SUMMARY SUSPENSION until the hearing is set in August or September. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Helmuth/Shook, 6/0/0

Kelley Lea Eyler, LPN, License No. 27042332A, Cause No. 2004 NB 0066

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 Charlotte Hedrick. The Respondent is non-compliant with her ISNAP contract. 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.

Helmuth/Valentino, 6/0/0

The Board further moved to issue a NOTICE OF PROPOSED DEFAULT.

Helmuth/Dye, 6/0/0

Kristi Sue McKenzie, LPN, License No. 27045214A, Cause No. 2004 NB 0026

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause/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 Charlotte Hedrick. 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.

Helmuth/Slagle, 6/0/0

Patricia Ann Brennan, LPN, License No. 27019173A, Cause No. 2004 NB 0081

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 Charlotte Hedrick. 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.

Helmuth/Slagle, 6/0/0

Lisa Elizabeth Iliff, RN, License No. 28129286A, Cause No. 2003 NB 0179

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 Charlotte Hedrick. Ms. Johnson requested a continuance of this matter due to the Respondent not receiving proper notice of the hearing. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter.

Helmuth/Slagle, 6/0/0

Laura Jane Nussmeier, RN, License No. 28129893A, Cause No. 2003 NB 0067

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 Charlotte Hedrick. 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.

Helmuth/Slagle, 6/0/0

The Board further moved to CONTINUE this matter.

Helmuth/Little, 6/0/0

Let the record reflect that Traci Little left the meeting for the following hearings.

Vita Frances Luque, RN, License No. 28096691A, Cause No. 2004 NB 0003

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 Charlotte Hedrick. 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.

Helmuth/Shook, 5/0/0

At the request of James Holden, Deputy Attorney General, the Board agreed to hear the state's witness. Sworn in to testify for the state was Ann Wallace. Ms. Wallace testified that she had witnessed the Respondent grabbing and shoving a resident all the way down the hall to the resident's room. She also indicated to the Board that the Respondent was yelling at the resident the entire time she was shoving her down the hall. The Board thanked the witness for her testimony.

Ronald Scott Sexton, RN, License No. 28146072A, Cause No. 2004 NB 0005

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. 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.

Helmuth/Shook, 5/0/0

It was discovered after this hearing that the Respondent's notice was sent to an incorrect address. With this additional knowledge the Board moved to RESCIND the NOTICE OF PROPOSED DEFAULT and ordered that this matter be reset for a hearing.

CONSENSUS

Lora Annette Shaneyfelt, LPN, License No. 27017523A, Cause No. 2004 NB 0006

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Laura Wilford, Deputy Attorney General. The agreement included INDEFINITE SUSPENSION for a period of six (6) months with terms and conditions. Included in the terms and conditions the Respondent must complete two (2) CEU's in each of Medication Administration and Documentation. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Helmuth/Shook, 5/0/0

Paul D. Swartz, LPN, License No. 27041236A, Cause No. 2004 NB 0077

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 Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. The Respondent committed a medication error and tried to cover it up. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Steven Douglas, Deputy Attorney General. The agreement included INDEFINITE SUSPENSION for a period of one (1) year. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Helmuth/Dye, 5/0/0

Linda Norborg Kusz, RN, License No. 28079638A, Cause No. 94 NB 030

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 Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. 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.

Helmuth/Shook, 5/0/0

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

Helmuth/Shook, 5/0/0

Let the record reflect that Traci Little rejoined the meeting.

Coleen Haney, LPN, License No. 27030643A, Cause No. 97 NB 052

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Dismissal scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. The Respondent was scheduled for a hearing to have her Probation status withdrawn and did not show for the hearing. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Helmuth/Slagle, 6/0/0

Let the record reflect that Traci Little left the meeting for the following hearings.

Mary Bernadette O’Leary, RN, License No. 28079906A, Cause No. 2001 NB 046

Respondent did not 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 Charlotte Hedrick. 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.

Helmuth/Shook, 5/0/0

At the request of the Board, Shelley Johnson, Deputy Attorney General presented additional evidence for the consideration of a summary suspension in this matter. The Respondent’s contract with ISNAP has been closed for non-compliance and her RN license is current. 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 SUMMARY SUSPENSION for a period of ninety (90) days.

Helmuth/Slagle, 5/0/0

Natalie Chaundria McCormick, RN, License No. 28108544A, Cause No. 2004 NB 0034

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. The Respondent did not follow through with ISNAP and committed renewal fraud. 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.

Helmuth/Dye, 5/0/0

The Board further moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year and ordered the Respondent to receive an evaluation by ISNAP and follow what they deem necessary. The Board further ordered the Respondent to pay a fine of \$250.00 for the renewal fraud.

Helmuth/Dye, 5/0/0

Brenda Carolyn Conley, LPN, License No. 27021210A, Cause No. 2004 NB 0013

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. 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.

Helmuth/Valentino, 5/0/0

The Respondent tested positive on ten (10) out of thirteen (13) drug screens. She also violated her criminal probation by tampering with morphine. She replaced the morphine with tap water. 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 three (3) years and ordered the Respondent to received an evaluation by ISNAP and follow their recommendations. The Board further ordered the Respondent to pay a fine of \$500.00.

Helmuth/Valentino, 5/0/0

Let the record reflect that Traci Little rejoined the meeting during the following hearing.

David Elwyn Lawn, LPN, License No. 27026510A, Cause No. 2003 NB 0196

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 Charlotte Hedrick. An agreement between the Respondent and the Attorney General's Office was presented to the Board by Kate Sinn, Deputy Attorney General. The agreement included a CONTINUANCE of this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Helmuth/Slagle, 5/0/1, with Ms. Little abstaining

Linda L. Jones, LPN, License No. 27032336A, Cause No. 2003 NB 0124

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 Charlotte Hedrick. 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.

Helmuth/Dye, 6/0/0

The Respondent was charged with identity theft due to stealing a patient's identity. She also has a substance abuse and patient abuse problems. After having considered the evidence presented and taking official notice of its file in this matter the Board voted place the Respondent's license on INDEFINITE SUSPENSION for a period of five (5) years and ordered the Respondent to receive an evaluation by ISNAP and follow their recommendations. The further ordered the Respondent to pay a \$2,000.00 fine.

Helmuth/Slagle, 6/0/0

Mary Ellen Roberts, RN, License No. 28086561A, Cause No. 2003 NB 0175

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 Charlotte Hedrick. 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.

Helmuth/Valentino, 6/0/0

The Respondent was involved with hard-core street drugs and is serving one (1) year in the Department of Corrections. 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 five (5) years and ordered the Respondent to receive an evaluation by ISNAP and follow their recommendations. The Board further ordered the Respondent to pay a fine of \$2,000.00.

Helmuth, Slagle, 6/0/0

Jamie Jo Pittman, RN, License No. 28099631A, Cause No. 2004 NB 0138

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 Kate Sinn, Deputy Attorney General and the court

reporter sworn in for this matter was Charlotte Hedrick. Donna Goch, Director of ISNAP was sworn in as a witness to testify for the State via telephone. Ms. Goch testified that the Respondent was deemed eligible to enter into ISNAP, but she never signed a contract. She indicated to the Board that the Respondent was diagnosed as being alcohol dependent. The Respondent informed the Board that she did not realize it was mandatory for her to join ISNAP and that she was going to AA meetings. Her sobriety date is June 1, 2004. 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 Respondent's license on INDEFINITE SUSPENSION until the Respondent has signed a contract with ISNAP and is in compliance.

Helmuth/Slagle, 6/0/0

Darleen Marie Davoust, RN, License No. 28108359A, Cause No. 2004 NB 0139

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Peggy Brandon was sworn in as a witness to testify for the State. Ms. Brandon testified that the Respondent admitted to taking 300 milligrams of Demerol from her place of employment. The Respondent indicated to her that she no longer had the Demerol because she had used it. She was terminated, but did not come back to sign her termination papers. Ms. Sinn informed the Board that the incident happened on July 5, 2004, while the Respondent was participating in ISNAP. She is not sure if ISNAP is aware of the incident or not. After having considered the evidence presented and taking official notice of its file in this matter the Board placed the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Helmuth/Dye, 5/0/0

Let the record reflect that Traci Little was not present for the following hearing.

Dennis Michael Burleson, RN, License No. 28133972A, Cause No. 2003 NB 0164

Respondent did appear in person and was represented by Steven Bowers 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 Charlotte Hedrick. John Klein was sworn in as a witness to testify for the State. Mr. Klein testified that the Respondent was investigated for sexual exploitation of a patient in the psychiatric wing of Elkhart General Hospital. Mr. Klein told the Board that the patient informed him that the Respondent had kissed her twice when she was being discharged. She also told him that she had performed oral sex on the Respondent at another time. During

her third (3rd) stay at Elkhart General she told Mr. Klein that she and the Respondent engaged in sexual intercourse. The Respondent explained to the Board that these sexual incidences did not happen. His performance reviews were always very good. His current employer just gave him a performance review and it was excellent. He indicated to the Board that he has been happily married for sixteen (16) years. The Respondent admitted that he did not answer the questions correctly on his renewal application. 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 count one (1) and ordered the Respondent to pay a \$250.00 fine for renewal fraud.

Helmuth/Valentino, 5/0/1 with Ms. Little abstaining

Let the record reflect that Traci Little joined the meeting in the middle of the above hearing.

Mildred Marie Savage, RN, License No. 28074505A, Cause No. 2004 NB 0068

Respondent did appear in person and was not represented by counsel regarding a 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 Charlotte Hedrick. Donna Goch, Director of ISNAP was sworn in as a witness for the State. Ms. Goch told the Board that the Respondent had previously been suspended by the Board and ordered to join ISNAP. The Respondent did join ISNAP but then refused to go to residential treatment. Her contract with ISNAP was then closed. After having considered the evidence presented, testimony of the witness 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.

Helmuth/Dye, 6/0/0

Patricia Jean Barefoot, RN, License No. 28060260A, Cause No. 2004 NB 0043

Respondent did 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 Charlotte Hedrick. Donna Goch, Director of ISNAP was sworn in as a witness to testify for the Respondent. Ms. Goch testified that the Respondent is back in ISNAP. They received her signed contract back on June 1, 2004 and they have received her psychiatric report stating that the Respondent is doing ok. She has successfully completed her outpatient program and all her drug screens have been negative. Ms. Goch informed the Board that they support a probationary license for the Respondent. 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 Respondent's license on INDEFINITE PROBATION for a period of

one (1) year and ordered the Respondent to remain compliant with her ISNAP contract.

Helmuth/Valentino, 6/0/0

Rebecca Lynn Isenberg, RN, License No. 28117152A, Cause No. 2004 NB 0140

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Donna Goch, Director of ISNAP was sworn in as a witness to testify for the State. Ms. Goch told the Board that the Respondent's contract with ISNAP was closed due to positive drug screens and missed drug screens. She failed to complete her IOP and they do not have documentation of her AA meetings. Ms. Goch informed the Board that they feel the Respondent is an eminent risk to the public health and safety should she be allowed to continue to practice. 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 Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Helmuth/Valentino, 6/0/0

Jill Ann Moore, LPN, License No. 27037196A, Cause No. 2003 NB 0196

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 Charlotte Hedrick. Ms. Sinn requested a continuance of this matter because she was expecting the Respondent to appear. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter.

Helmuth/Dye, 6/0/0

Frances E. Banks, LPN, License No. 27030371A, Cause No. 2003 NB 0129

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 Laura Wilford, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. 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.

Helmuth/Dye, 6/0/0

The Respondent was referred to ISNAP and signed a contract January 2003. Her contract was closed March 2003 for non-compliance. She also committed renewal fraud. 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 three (3) years.

Helmuth/Dye, 6/0/0

Wanda Seymour, RN, License No. 28125535A, Cause No. 95 NB 073

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Dismissal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Charlotte Hedrick. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Helmuth/Slagle, 6/0/0

Let the record reflect that Traci Little was out of the meeting for the following.

ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS

The Board approved the following ALJ recommendations submitted by Celinda Kay Leach, R.N. from the June 2004 meeting.

Rhonda L. Mace, RN

Violet Jean Kirby, LPN

Teri M. Diehl, LPN

Robert McMillian Weeks, RN

Susan Carol Hill, RN

Teri Rae Sommerville, RN

Marsha M. Catchings, LPN – Ms. Catchings sent a response to the Board objecting to the ALJ recommendations. The State of Indiana was represented by Steven Douglas in this matter. Mr. Douglas indicated to the Board that the Respondent did not submit proof that she was safe to practice to the ALJ and that the ALJ recommendation should be upheld. After discussion the Board moved to give the Respondent and the Attorney General's Office an opportunity to submit a briefs regarding this matter. The Board issued a deadline of August 9, 2004 for the brief's to be submitted.

Helmuth/Slagle, 5/0/0

Let the record reflect that Traci Little rejoined the meeting.

APPLICATIONS

ENDORSEMENT APPLICATIONS

- Marilou B. Deguzman
- Julius Dionido
- Maritess Aquino Manas
- Lipitha John Paret
- Rosamaria Tabamo

The above listed applicants applied for an Indiana LPN license by endorsement. They are all foreign trained with four (4) years of education. A four (4) year foreign trained would normally be evaluated by CGFNS as a possible equivalency to an RN degree. They all applied with the State of California and were all licensed as an LPN there. California does not require the CGFNS evaluation. In Indiana, you must graduate from an LPN program in order to be licensed as an LPN. The above applicant's education is equivalent to an Indiana RN license. After discussion the Board voted to DENY all the above listed applicants licensure as an LPN.

Helmuth/Slagle, 6/0/0

There being no further business the meeting adjourned at 10:00 p.m.

Laurie Peters, R.N., President

Darla Jones, L.P.N., Secretary

