INDIANA STATE BOARD OF NURSING

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

MINUTES OF MAY 15, 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 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
Member Absent:	Darla Jones, L.P.N., Secretary
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 April 17, 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 327 nurses being actively monitored. He informed the Board that the educational outreach remains a high priority. Mr. Bissonette informed the Board that he is now attending the Administrative Law Judge meetings.

The Board was concerned about the increase of non-compliant participants. Tom indicated to the Board that due to the sheer number of participants, there will obviously be an increase in non-compliance He went on to inform the Board that the program does not have benchmark data on how many won't be compliant, but they can compare to the data of the Michigan program for the next quarterly report.

DISCUSSION

<u>Request for Advisory Opinion regarding scope of practice for Licensed Practical Nurses</u> After discussing the request and situation, the Board moved to refer him to the Statute and Rules, and not to issue an advisory opinion.

CONSENSUS

EDUCATION

<u>Ivy Tech State College, Terre Haute – Request for ownership of Indiana State</u> <u>University's ASN Program</u>

Kim Cooper appeared before the Board to discuss any concerns and questions the Board might have. The Board was concerned about the resources for the faculty. Ms. Cooper informed the Board that they currently share clinicals with ISU and they will have four (4) full-time faculty members. After discussion the Board moved to APPROVE the request for ownership.

CONSENSUS

PERSONAL APPEARANCES

RENEWAL APPLICANT

Brenda Joy Dobben, R.N., 28097189A – Applicant appeared before the Board and was not represented by counsel regarding a positive response on her renewal application. Ms. Dobben informed the Board that in 1999 she diverted drugs from a patient for her own use. She received one (1) year criminal probation. She informed the Board that she recently signed a five (5) year contract with ISNAP and her sobriety date is December 2002. After discussion the Board moved to RENEW her license.

King/Peters, 7/0/0

ADMINISTRATIVE HEARINGS

The following administrative hearing was continued.

Marilyn Reynolds, RN, License No. 28131555A

Kimberly Sue Crady, LPN, License No. 27040208A, Cause No. 2002 NB 0060

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 Sara Matticks, Deputy Attorney General and the court reporter sworn in for the matter was Charlotte Hedrick. Respondent was terminated for drinking alcohol while on duty. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to EXTEND the SUMMARY SUSPENSION for an additional ninety (90) days.

King/Peters, 7/0/0

Nancy Laverna Garner, RN, License No. 28102403A, Cause No. 2003 NB 0026

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 Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. An agreement between the Respondent and the Office of the Attorney General was presented to the Board by Sara Matticks, Deputy Attorney General. The agreement included a ninety (90) day EXTENSION of the Summary Suspension. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

King/Thomas, 7/0/0

Rita Marie Ward, RN, License No. 28075808A, Cause No. 2003 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 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.

Peters/Shook, 7/0/0

After further discussion the Board 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 certified addictionologist and send a copy of the report to the Board.

King/Peters, 7/0/0

Ryan O'Meara, RN, License No. 28150307A, Cause No. 2001 NB 021

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 not represented by the Attorney General's Office and the court reporter sworn in for this matter was Charlotte Hedrick. Mr. O'Meara explained to the Board that he was on Probation for diverting Ritalin. He explained that he has successfully completed his criminal probation and that he is no longer on Ritalin. He is employed with Kindred Hospital and has not had any problems at work. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to WITHDRAW the Order of Probation.

King/Peters, 7/0/0

Debra Lyn Patton, LPN, License No. 27038276A, Cause No. 2002 NB 0120

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 not represented by the Attorney General's Office and the court reporter sworn in for this matter was Charlotte Hedrick. Ms. Patton explained to the Board that she was on Probation for two (2) DUI's. She currently goes to three to four AA meetings a week and her sobriety date is January 2002. She also told the Board that as of January 2003 she signed a contract with ISNAP. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to WITHDRAW the Order of Probation.

King/Thomas, 7/0/0

Karlene Francis Skaggs, RN, License No. 28077985A, Cause No. 2003 NB 0056

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 Rene Gallagher, Deputy Attorney General and the court reporter sworn in for this matter was Charlotte Hedrick. Tom Bissonette was sworn in as a witness for the State. Mr. Bissonette testified that the Respondent's case file was closed December 2002 for not following through with her addictionology examination. After having considered the evidence presented, the testimony of the witness and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days and ordered the Respondent to receive an examination by a Board certified addictionologists and submit a copy of the report to the Board.

King/Peters, 7/0/0

Peggy Sue Couse, LPN, License No. 27037236A, Cause No. 2003 NB 0017

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 Rene Gallagher, 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 EXTEND the Summary Suspension for a period of ninety (90) days.

King/Thomas, 7/0/0

Teresa Jo Hall, RN, License No. 28142751A, Cause No. 2003 NB 0005

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 and the court reporter sworn in for this matter was Charlotte Hedrick. Colleen Chapman was sworn in as a witness for the Respondent. The Respondent was employed with Cambridge House through a work release program. She admitted that she bought Dilaudid from a Resident many times in the two to three months she was working there. Ms. Chapman testified that the Respondent entered into an ISNAP contract on March 6, 2003 and is currently living in a halfway house called Wings of Hope. She is attending three to four AA meetings per week and is having weekly drug screens. Respondent has also successfully completed an IOP program at Washington House. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted 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 certified addictionologist and send a copy of the report to the Board.

King/Shook, 6/1/0, with Ms. Thomas Objecting

Mary Ellen Venable, RN, License No. 28098522A, Cause No. 99 NB 016

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 Rene Gallagher, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Tom Bissonette was sworn in as a witness for the State. Tom testified that the Respondent has had relapses while in a treatment center, her life is chaotic and she is non-compliant with her ISNAP contact. Ms. Gallagher informed the Board that the Respondent has agreed to an extension of the Summary Suspension. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to EXTEND the Summary Suspension for an additional ninety (90) days.

King/Peters, 7/0/0

Stephanie Lynn Pemberton, LPN, License No. 27036693A, Cause No. 2003 NB 0015

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 James Holden, 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 voted to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 7/0/0

After discussion the Board further voted to EXTEND the Summary Suspension for a period of ninety (90) days.

King/Thomas, 7/0/0

Sandra Leigh Fritch, RN, License No. 28111990A, Cause No. 2003 NB 0030

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 Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. An agreement between the Respondent and the Office of the Attorney General was presented to the Board by Shelley Johnson, Deputy Attorney General. The agreement included a ninety (90) day EXTENSION of the Summary Suspension. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

King/Thomas, 7/0/0

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

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing/Request for Continuance scheduled before the Board. The State of Indiana was represented by Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent submitted a letter to the Board requesting a continuance until January 2006 when she will be released from Prison. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to DENY the CONTINUANCE.

King/Thomas, 7/0/0

After further discussion, the Board voted to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 7/0/0

Susan Gail Nation, LPN, License No. 27051445A, Cause No. 2003 NB 0027

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 Barclay Wong, 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 voted to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 7/0/0

After discussion, the Board further voted to EXTEND the SUMMARY SUSPENSION for a period of ninety (90) days.

King/Peters, 7/0/0

Joyce Ann Brown, RN, License No. 28131767A, Cause No. 2003 NB 0019

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 and the court reporter sworn in for this matter was Lori Keen. Tom Bissonette was sworn in as a witness for the State. In September 2002, the Respondent walked into the Saint Francis Hospital emergency room and withdrew 100mg of Demerol from the Pixus machine for her own use. She received 1 year suspended sentence and 1 year criminal probation. Mr. Bissonette testified that the Respondent did contact ISNAP but did not follow through therefore her case was closed. Respondent's sobriety date is August 1, 2002. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year.

Peters/Thomas, 6/1/0, with Ms. Little objecting

Wendy Marie Taines, LPN, License No. 27049504A, 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 Lori Keen. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to issue a NOTICE OF PROPOSED DEFAULT.

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

At the request of James Holden, Deputy Attorney General, the Board agreed to hear additional evidence to consider an unscheduled summary suspension. Respondent was terminated from Millers Merry Manor for diversion of Adavan and Xanax for self-use. Respondent's speech was slurred and she was acting erratically while on duty. Her supervisor asked her to leave. While waiting on her ride the Respondent passed out in the lobby and had to be carried to the car. After having considered the evidence presented and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days and ordered the Respondent to receive an examination from a Board certified addictionologist and send a copy of the report to the Board.

Peters/Thomas, 6/0/1, with Ms. Little abstaining

Rachel Erin Rose, RN, License No. 28151135A, Cause No. 2003 NB 0012

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 Barclay Wong, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. Tom Bissonette was sworn in as a witness for the State. In January 2002, the Respondent was terminated from her employment for non-documentation of administering Controlled Substances and for diversion of Controlled Substances from the Pixus machine. Mr. Bissonette testified that the Respondent signed a contract with ISNAP, but it was closed August 2002 for positive drug screens. Tom also indicated that the Respondent has contacted ISNAP again and has as of March 2003 signed a new contract. At this time they have not received her first quarterly reports, but the Respondent indicated they were not due until June 2003. Respondent indicated to the Board that she is currently in an IOP and has had 94 days of sobriety. She also told the Board that she sees a therapist once every two weeks. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to place the Respondent's license on INDEFINITE SUSPENSION for a period of three (3) months.

King/Thomas, 7/0/0

Laura Marie Harter, RN, License No. 28132283A, Cause No. 2003 NB 0018

Respondent did not appear 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 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 voted to issue a NOTICE OF PROPOSED DEFAULT.

King/Peters, 7/0/0

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

King/Peters, 7/0/0

Let the record reflect that Maurene Thomas left the meeting.

Rosita Rene Dunbar, LPN, License No. 27043726A, Cause No. 2003 NB 0004

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 Kate Sinn, Deputy Attorney General and the court reporter sworn in for this matter was Lori Keen. The Respondent's employment record indicates several different instances of patient abuse. She was written up for disrespect to a resident in August 1997. In July 1998, she received a write up for poor quality of work. She was suspended from work for unverified allegations of verbal and physical abuse to a resident. She was terminated for verbal abuse to a resident. 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, 6/0/0

After discussion, the Board further voted to please the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year.

King/Peters, 6/0/0

Let the record reflect that Maurene Thomas returned to the meeting.

Joanne Lynn Couch, LPN, License No. 27041714A, Cause No. 2003 NB 0029

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 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 voted to issue a NOTICE OF PROPOSED DEFAULT.

King/Thomas, 7/0/0

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

King/Peters, 7/0/0

Debra Lynn Clark, LPN, License No. 27016875A, Cause No. 2003 NB 0109

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 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 one (1) year 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.

King/Shook, 7/0/0

Angela Grace Vannoy, LPN, License No. 27049272A, Cause No. 2003 NB 0028

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 Lori Keen. An agreement between the Respondent

and the Office of the Attorney General was presented to the Board by Kate Sinn, Deputy Attorney General. The agreement included a CONTINUANCE of the hearing and an EXTENSION of the SUMMARY SUSPENSION up to and including the June 19, 2003 Board meeting. After discussion, the Board moved to ACCEPT this agreement.

King/Peters, 7/0/0

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

Elaine I. Myers, RN, License No. 28119081A, Cause No. 2003 NB 0051

Respondent did appear in person and was represented by Andrew Peacock for a Petition for Summary Suspension 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 Lori Keen. Dr. Michael Henry and Erin Peelle were sworn in as witnesses for the State. Christopher Christman was sworn in as a witness for the Respondent. Dr. Henry testified that the Respondent wrote a letter to a drug company requesting samples with urgent need. Dr. Henry stated the order was for a strength that he does not use nor would he use in the future. Dr. Henry testified that the some of the samples were missing and he believed that the Respondent diverted them. Erin Peelle testified that the Respondent stated in her presence that she had met a Pharmacist from Florida on line that would prescribe any medications she wanted and that her Brother could sell them in the Hartford area with out any problems. The Respondent indicated to the Board that this was all untrue and she believed that Dr. Henry was trying to discredit her because she was subpoenaed by the Doctors wife to testify during their divorce proceedings. She indicated to the Board that she did order the controlled substance samples with Dr. Henry's knowledge. She denied taking any of the samples and indicated to the Board that the entire office has access to the samples and that an inventory was not kept. Mr. Christman testified that he is the Respondent's Brother, and that the Respondent did not at any time give him drugs to sell. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days. This vote failed to pass.

Peters/Little, 3/3/0, with Ms. King, Mr. Helmuth and Ms. Slagle objecting

After further discussion, the Board again voted to DENY the SUMMARY SUSPENSION. This vote failed to pass.

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

After further discussion, the Board concluded that the vote would remain deadlocked. A deadlock vote results in NO ACTION.

Let the record reflect that Mervin Helmuth left for the day.

Gregory Robert Vest, RN, License No. 28081581A, Cause No. 2003 NB 0052

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 Lori Keen. Tom Bissonette was sworn in as a witness for the State. Mr. Bissonette testified that the Respondent self-reported to ISNAP. She recently had a relapse with Demerol. She is non-compliant with her ISNAP contact. She has also contacted ISNAP both by phone and letter indicating she wished to withdraw from the program. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days and ordered the respondent to receive an examination by a Board certified addictionologists and send a copy of the report to the Board.

King/Shook, 5/0/0

Lisa Gene Sauter, RN, License No. 28132202A, Cause No. 2003 NB 0053

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 Lori Keen. Let the record reflect that the Respondent was here at the time her hearing was scheduled, but had to leave before her matter was called before the Board. An agreement between the Respondent and the Office of the Attorney General was presented to the Board by Kate Sinn, Deputy Attorney General. The agreement included 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.

King/Peters, 5/0/0

Elizabeth Anne West, RN, License No. 28142065A, Cause No. 2002 NB 075

Respondent did appear in person and was represented by Steven Sheelie 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 Lori Keen. Debra Ellis, RN, was sworn in as a witness for the State. Ms. Ellis testified that the Respondent was give access to the Pixus machine on March 30th, on April 21st the Pharmacy made Ms. Ellis aware of a discrepancy with the Pixus machine. During the investigation, it was discovered that twenty-three 100mg tablets of Demerol were missing. It was traced back to the agency access code and at that time the only person using the agency access code was the Respondent. The Respondent was also seen while on duty displaying erratic behavior, shaking and sweating. The Respondent would then disappear and when she returned she seemed fine. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board voted to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Peters/Little, 5/0/0

ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS

The Board approved the following ALJ recommendations submitted by Celinda Kay Leach, R.N. from the April 14, 2003 meeting.

Jeffrey L. Brown, LPN, License No. 27032290A Bruce Gilpin Callahan, RN, License No. 28092739A Rebecca Carty, LPN, License No. 27044323A Jane Holmes Collins, LPN, License No. 27026203A Terri Rae Sommerville, RN, License No. 28103712A Sara Jane Usrey, RN, License No. 28114235A

King/Thomas, 7/0/0

The Board amended the ALJ recommendation for Marilyn Henricks, LPN, License No. 27011896A, to ACCEPT the addictionology report from Dr. Hinchman.

King/Thomas, 7/0/0

The Board further modified Ms. Hendricks recommendation to include ISNAP. The Respondent will report only to ISNAP, ending the double reporting.

King/Peters, 7/0/0

There being no further business the meeting adjourned at 12:05 a.m.

Marsha M. King, R.N., President

Darla Jones, L.P.N., Secretary