

**Pre-Hearing Settlement Conferences and**

**Appearing Before the Indiana State Board of Nursing**

You have been scheduled to appear before the Indiana State Board of Nursing. I will meet you outside of the assigned room shortly before your scheduled appearance starts. Please come dressed professionally.

Prior to the scheduled appearance, we will have a telephone conference to prepare you and discuss what will take place. Please call our office to schedule the telephone conference a week or two before the scheduled appearance.

**Parking**

I suggest that you take Meridian to Washington St., Washington St. is one-way going west. As soon as you turn west from Meridian St. onto Washington St., on the south side of the street (left lane) there is an entrance to the parking garage at Circle Centre Mall (look for the mall parking sign). The mall parking costs $2.00 for three (3) hours. There are meters in front of the Government Center, but they are not always available, and they are only good for two (2) hours and will cost you $1.50 per hour for the first three (3) hours. The meters do take credit cards. If you park at the Westin it will cost you $40.00 or $49.00 for valet parking. The Westin is directly across from Government Center, but is the most expensive parking. Once you park at the mall, walk the two (2) blocks west to the Indiana Government Center and enter at 10 N. Senate Avenue, not 402 W. Washington St.

10 N. Senate Avenue is the only public entrance because you will have to go through security, including a metal detector, to enter the building.

Once you go through security, go straight down the hall about a block, pass through 2 glass doors and then on your left, you will see the elevators and escalators. Then look to your right and you will see a brown door that leads to the conference rooms.

**Pre-Hearing Settlement Conferences**

For Pre-Hearing Settlement Conferences (“PHSC”), these will take place publicly. You, your attorney, the Deputy Attorney General handling your case, and a Board member will be present. Sometimes, a member of the Professional License Agency, the Board attorney or your case manager from the Indiana Professionals Recovery Program (“INPRP”) may be invited.

The Board member will provide guidance on what the Board may want for corrective measures in the settlement and will make recommendations.

As your attorney, I will be advocating on your behalf and arguing mitigating factors as well as providing documents to prove the mitigating factors and documents that will be required by the Board. Please be advised that you may be asked questions. This is not a formal proceeding, you will not be sworn in and it will not be recorded.

Remember, you are not required to accept the settlement offer immediately. If you have questions or would like to discuss the matter privately after the PHSC, please let me know.

If you do accept a settlement offer, a Proposed Settlement Agreement will need to be prepared by the Deputy Attorney General. This will need to be signed by you, your attorney and the Deputy Attorney General. It will then be presented to the full Board for approval. If the Board approves the Proposed Settlement Agreement, they will prepare and send you and your attorney a Final Order**.**

***Any time frames contained in the Proposed Settlement Agreement will not begin until the date the Final Order is filed – this includes probation, suspension, etc. If any continuing education is required, you need to wait until after receiving the Final Order to take the courses.***

Although it is unusual, the Board sometimes does not approve the Proposed Settlement Agreement. If this happens, a new Proposed Settlement Agreement will have to be prepared to address the Board’s concerns and a new PHSC will be scheduled or the matter may need to proceed to a Final hearing.



**Hearings Before the Full Board**

Final Hearings are usually held before the full Board. If you are scheduled to appear before the entire Board, the Board hearings are usually in the Auditorium, which is just past the Conference Center. Full Board Hearings generally take place every third Thursday of each month.

At a full Board hearing, there are two (2) tables facing the stage, one for the Attorney General’s Office who represents the State, and the other for the nurse and his/her counsel. A court reporter will take down the entire proceedings.

Once you are called to appear, we will sit at the table on the left, facing the stage. The Board will ask if anybody that knows themselves to be witnesses in the case to please stand to be sworn in. At that time, you will also be asked to stand and be sworn in, and if you have any additional witnesses they should stand at that time as well.

The type of matter will determine who gets to go first. If you have petitioned the Board, you will go first. If the Attorney General’s Office filed an Administrative Complaint against your license, they go first. Both sides get to make an opening argument and then we call witnesses and each side has the right to cross-examine the other side’s witnesses.



Please remember that no matter what the Board rules, nothing will change until a Final Order is prepared and filed. For example, if you have petitioned the Board to lift probation and they have agreed to lift it, you will remain on probation until the Final Order is filed. Also, if you are placed on probation, ***any timeframes do not begin until the Final Order is filed***.

**Administrative Law Judge Hearings**

For an Administrative Law Judge (“ALJ”) Hearing, you will appear before one Board member who will act as a judge and make a recommendation. Along with the Deputy Attorney General, there will be somebody from the Professional Licensing Agency as well as the Board Attorney, and a court reporter. These hearings are a little bit more relaxed than the full Board hearing, but the same rules apply. Everything you say will be public record and you will be sworn in as well as any witnesses that will testify on your behalf. The ALJ Hearings take place on the first Thursday of every month.

The recommendation of the ALJ will need to be presented to the full Board for approval. As with Proposed Settlement Agreements and hearings before the full Board, ***you must still wait for a Final Order before anything is changed or timeframes begin.***

**Personal Appearances**

If you are scheduled for a Personal Appearance, the Board will call everyone who is scheduled for a Personal Appearance to go to a separate room. There will be a Board member, the Board attorney, a staff member from the Professional Licensing Agency, and possibly an INPRP representative there. If you are there for a Personal Appearance, there is no privacy. Everyone in the room can hear your situation. Personal Appearances are not recorded and are not under oath, but they do appear as public record on the Board’s Agenda and notes are taken for the Board’s meeting minutes.

On one side of the table will be the Board Member, an attorney for the Professional Licensing Agency (“PLA”) and someone from the PLA that will be taking notes. Sometimes your case manager from INPRP will be present and will sit opposite of you. You and your attorney will sit on the opposite side of the table.

At your Personal Appearance, the Board Member will make a recommendation. They can recommend your license be renewed free and clear, your license be placed on probation, your matter be referred to the Attorney General’s Office for an investigation, they can deny your license or you could be ordered to reappear for another Personal Appearance before the full Board. Any recommendation by the Board Member must be approved by the full Board.

Please note that if you applied to renew your license and are required to have a Personal Appearance after the expiration date of your license, your status will be changed from “Active” to “Valid To Practice While Reviewed” and the expiration date will not change until after your Personal Appearance and the full Board makes their ruling.

If the Board Member recommended that your license be renewed free and clear and the Board approves the recommendation, your license status will be changed to “Active” and the expiration date of your license will be updated on the Professional Licensing Agency’s website. No Final Order will be issued.



If the Board Member recommends your license be denied and the Board approves the recommendation, your license status will change to “Renewal Denied” on the Professional Licensing Agency’s website. No Final Order will be issued.

If the Board Member recommends your license be placed on probation and the Board approves the recommendation, your license status will remain “Valid To Practice While Reviewed” until a Final Order is issued. After the Final Order is filed, your status will be changed to “Probation” and the expiration date will be updated on the Professional Licensing Agency’s website.

If the Board Member recommends your matter be referred to the Attorney General’s Office for an investigation (also known as a “consumer complaint” investigation), your license status will change to “Active” and the expiration date will be updated. It is important that your mailing address with the Board remain current as you will probably receive a letter from the Attorney General’s Office requesting a response to the investigation ***within 20 days of the date of the letter***. If you do not respond, they can proceed without you. If you respond to the letter, the Attorney General’s Office will either close the file or file an Administrative Complaint against your license. There is no deadline or timeframe by which the Attorney General’s Office has to mail you the letter, close the file or file the Administrative Complaint.

**IF ACTION HAS BEEN TAKEN AGAINST YOUR LICENSE:**

**License Renewal Important Information**

The next time you renew your license, you will have to answer, “Yes”, to question 1, which asks, “Since your last renewal, has any professional license, certificate or registration, or permit you hold or have held, been disciplined or are formal charges pending in any state?” You would think the Board would know this, but you still need to answer, “Yes”, and provide a brief explanation.

**Probation or Suspension**

If your Final Order places you on Probation or Suspension, you will need to follow exactly what the Board tells you to do in order to have the Probation or Suspension lifted. You will need to fully and completely comply with all of the requirements of the Order. Remember, your Probation starts the date of the Final Order.

In order to get off Probation or Suspension, you will need to file a Petition to Lift Probation / Suspension with the Board. If you would like assistance in petitioning the Board, please contact us.

Once the Petition is filed, a hearing will be scheduled. I try to set the hearings before the ALJ, rather than the full Board. This requires the extra step of the full Board approving your agreement, but it is an easier and faster process than appearing before the full Board. We will also need to meet by phone or in person a few days before the Board meeting to prepare you for the hearing. There is no other way to have Probation or Suspension lifted but to file the Petition and go to the hearing.



**Public Record**

If any action is taken on your license, it becomes a matter of public record. Also, if charges are filed, they too become public record. It is public record forever. If you go to [www.ai.org/pla](http://www.ai.org/pla), PLA Online Services, License Litigation, Advanced Search, you can search for any nurse and see if charges have been filed and what the outcome of those charges by way of a Final Order.

**The National Practitioner Data Bank Healthcare (NPDB)**

If action is taken against your license, you will be reported to the National Practitioner Data Bank (NPDB). You will have the opportunity to write your version of the events. It is not so much an issue for nurses as it is for physicians. The idea is that if physicians have adverse action, they cannot go to another state without their background being known. You can look at <https://www.npdb.hrsa.gov/> and download the NPDB Guide Book.

**Office of the Inspector General**

If your matter before the Board involves an issue of Medicare or Medicaid Fraud, you may also be reported to the office of the Inspector General and therefore will not be allowed to care for Medicaid or Medicare patients for five (5) years. To get that designation removed, you will have to write to the Office of the Inspector General to request to have it removed. You will receive a letter in the mail explaining both of these processes to you. Please contact us if you would like assistance in this matter. You should get notice, but if you want to see if you are on this exclusion list, visit this website: <https://exclusions.oig.hhs.gov.>



**Renewal License Application and Job Application**

It is imperative that you report on your license renewal application that your license has had disciplined in the past two (2) years as well as whether you were disciplined from a job in the past two (2) years. On Employment Applications, be sure to check the box “yes” if you have been terminated. When asked about the reason, put you will discuss in interview.

I hope these tips assist you. If you have any additional questions, please do not hesitate to call or email me. I look forward to talking to you prior to your appearance before the Board.