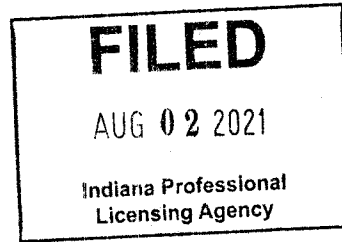


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2021 NB 0135

IN THE MATTER OF THE LICENSE OF:)
ANGEL MCGAVIC, R.N.)
LICENSE NO: 28186108A (PROBATION))



PETITION FOR SUMMARY SUSPENSION

The State of Indiana ("Petitioner"), by Deputy Attorney General Abigail E. Smith, moves the Indiana State Board of Nursing ("Board") to suspend the license of Angel McGavic, R.N., ("Respondent"), for ninety (90) days, and in support of its Petition states the following:

1. Respondent is a licensed Registered Nurse ("RN") in the State of Indiana having been issued license number 28186108A on July 16, 2009.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 601 S 17th St., Vincennes, Indiana 47591.
3. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code ch. 4-21.5-4 and Ind. Code § 25-1-9-10.

FACTS REGARDING PRIOR BOARD ACTION AND DISCIPLINARY HISTORY

4. On or about October 18, 2018, Respondent's nursing license was placed on Summary Suspension by agreement. The allegation in this agreement include:
 - a. On or about August 28, 2018, Respondent was suspended pending an investigation of medication discrepancies and a urine drug screen ("UDS").
 - b. The investigation showed three (3) tablets of hydrocodone and two (2) tablets of oxycodone were missing between August 7, 2018 and August 31, 2018.
 - c. The results of Respondent's UDS showed positive for opiates and oxycodone.

d. On or about August 31, 2018, Respondent was terminated for inaccurate documentation and suspected diversion.

5. On or about January 29, 2019, an Administrative Complaint was filed against Respondent's nursing license, Cause Number 2018 NB 0313, based on the same allegations in the Summary Suspension.

6. On or about June 20, 2019, the Board approved a Proposed Settlement Agreement in which Respondent admitted to two (2) violations, diverting prescription drugs for her own or another person's use and omitting documentation of nursing actions on the official patient record. Respondent's nursing license was placed on indefinite probation for not less than one (1) year or the length of her Indiana State Nurses Assistance Program ("ISNAP") recovery monitoring agreement ("RMA") whichever is longer. The following terms and conditions were also placed on Respondent's nursing license:

- a. "Full and continuous compliance with her ISNAP RMA and successful completion of her RMA prior to petitioning for probation withdraw;
- b. Respondent shall keep the Board apprised of the following, and notify the Board of any changes within fifteen (15) days of such a change:
 - i. Current residence, mailing dress, email address, and residential telephone number, and
 - ii. Respondent's place of nursing employment, employment address, employment telephone number, and, if applicable, the name and contact information of Respondent's supervisor;
 - iii. Any new arrests and/or criminal charges;

- c. Respondent shall have her current employer sign and return a copy of her Probation Order within ten (10) days after receiving the Board's Order accepting the Parties' Settlement-should her employment change, Respondent shall submit a new, signed copy of the Order from her new employer within ten (10) days of new employment;
- d. Respondent shall cause her nursing employer to submit quarterly reports to the Board addressing Respondent's duties, responsibilities, character, and performance in her professional capacity. Respondent shall submit quarterly self-reports if not employed in a nursing capacity addressing her activities and any attempts to return to the nursing field;. . .
- e. Respondent shall not violate any statutes or rules regulating the practice of nursing.”

7. Respondent was also ordered to pay a fee of five (\$5.00) dollars to the Health Records and Personal Identifying Information Protection Trust Fund within thirty (30) days of the Board's final order.

8. Furthermore, the Proposed Settlement Agreement states “Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavioral health and human services, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.”

9. As of the date of this filing, Respondent's nursing license remains on probation under the above listed terms.

FACTS REGARDING FIRST UNSUCCESSFUL DISCHARGE FROM ISNAP

10. On or about September 17, 2018, Respondent made initial contact with ISNAP.

11. On or about September 20, 2018, Respondent requested to close her case as she did not want to enroll in monitoring. Respondent stated, "What happens if I don't do this and is there another alternative? Something a little less harsh for someone that did not use on a regular basis."

12. On or about October 18, 2018, the Board placed Respondent's nursing license on summary suspension.

13. On or about October 22, 2018, Respondent re-enrolled in ISNAP.

14. On or about November 19, 2018, Respondent signed a three (3) year RMA.

15. From December 1, 2018 though May 28, 2020, Respondent missed nine (9) check-ins.

16. From February 8, 2019 through March 10, 2020, Respondent had nine (9) abnormal UDSs.

17. Respondent missed UDSs on:

- a. June 22, 2020;
- b. June 30, 2020; and
- c. July 22, 2020.

18. Respondent missed the following reports:

- a. Worksite monitor report on July 10, 2019 and July 10, 2020;
- b. Self-report on April 10, 2020, and July 10, 2020;
- c. Sponsor report on April 10, 2020 and July 10, 2020; and

d. Monthly meeting logs for March of 2020, April of 2020, May of 2020, and June of 2020.

19. On or about May 27, 2020, Respondent was sent an addendum adding six (6) months to her RMA for "missed check-ins and non-compliance with self-help meetings." Respondent never returned signed addendum.

20. On or about July 23, 2020, Respondent was unsuccessfully discharged from ISNAP based on her non-compliance with her RMA, and an Oder to Show Cause was issued to the Board by ISNAP.

FACTS REGARDING WILLOW MANOR

21. On or about January 25, 2019, Respondent was hired as an RN at Willow Manor a nursing home located in Vincennes, Indiana.

22. On or about November 10, 2020, Respondent was suspended pending an investigation when a discrepancy on the narcotics count sheet was discovered. Respondent also failed to report the discrepancy. A reasonable suspension checklist was completed and Respondent agreed to complete a UDS.

23. On or about November 10, 2020, Willow Manor contacted the Vincennes Police Department to report the theft of narcotics by Respondent. The incident report completed by Officer Waggoner states the following:

a. Upon arriving to Willow Manor, Officer Waggoner was provided "four documents reflecting medication irregularities for four different patients."
"[Respondent] was the administering signature on each of these prescription cards."

b. Eight (8) Percocet's were missing for patient M.C.

- c. One (1) Norco was missing for patient B.M.
- d. One (1) Norco was missing for patient K.J.
- e. Two (2) entire thirty (30) count cards of Percocet and their associated log sheets were missing for patient T.B.
- f. Officer Waggoner “found that each time a pill was in dispute and missing, [Respondent] was the signor on the prescription record. Also, some scribbles and corrections were made when [Respondent] was supposed to be signing the pills out. When the scribbles were made, more pills were logged as missing.”
- g. When questioned by Willow Manor staff, Respondent “alleged that after leaving her narcotics drug cart open to tend to a patient, she returned and the medications that were missing had been stolen. [Respondent] stated that she didn’t immediately report the theft because she was scared of being accused of theft.”
- h. Respondent admitted to Willow Manor staff that she altered “the prescription records to keep from being suspected of theft.”
- i. On or about November 15, 2020, Respondent came into the Vincennes Police Department for a recorded interview. When asked if she recognized the potential of a patient overdosing on opiates because she did not immediately report the alleged theft, Respondent stated she did recognize that risk.

24. On or about November 17, 2020, the results of the drug screen were reported to Willow Manor. Respondent tested positive for morphine, hydrocodone, hydromorphone, oxycodone, and oxymorphone.

25. On or about December 4, 2020, Respondent was terminated via phone call based on the results of Willow Manor's investigation. When Respondent was told the reason for her termination, she responded "okay" and hung up.

FACTS REGARDING SECOND UNSUCCESSFUL DISCHARGE FROM ISNAP

26. On or about November 19, 2020, Respondent contacted ISNAP to see if she was "eligible to get back into the program?" Respondent called the same day and stated she had originally been in monitoring for being "falsely accused of diverting in August of 2017 or 2016." She stated that she does not have a drug or alcohol problem. She also stated on November 10, 2020, her employer called the police and stated she was stealing narcotics.

27. On or about December 22, 2020, Respondent was contacted by her ISNAP case manager, Cara Kelly, about her assessment and INSPECT report. Respondent's INSPECT report showed she began filling prescriptions for opioids the day after she was unsuccessfully discharged from ISNAP in July of 2020. When asked if she had disclosed her previous diagnosis of opioid use disorder to her doctors or discussed a pain management plan, Respondent stated she had not.

28. On or about December 23, 2020, Tracy Trout, ISNAP Program Director, filed a Consumer Complaint against Respondent stating, "Individual is a Participant in the Indiana State Nursing monitoring program. Participant was discharged for non-compliance with her Recovery Monitoring Agreement. Individual's INSPECT report show continuous fills of controlled substances. This individual is a danger to the public after termination."

29. On or about March 31, 2021, Respondent returned a signed new five (5) year RMA.

30. On or about July 13, 2021, Respondent was unsuccessfully discharged based on non-compliance with her RMA because she returned to work as a nurse at Oak Village Healthcare, located in Oaktown, Indiana, without a return to work assessment.

31. Respondent has been terminated from two (2) facilities within the last three (3) years for charting discrepancies and suspected diversion. Her nursing license is currently on probation. She is in violation of her Probation Order based on her repeated non-compliance and unsuccessful discharges from ISNAP. Furthermore, Respondent is currently working as a nurse and is not currently in any kind of monitoring. If allowed to continue to practice, her conduct constitutes a clear and immediate danger to herself and to the health and safety of the public.

WHEREFORE, Petitioner requests that this Board set a hearing on this petition for summary suspension and suspend the Respondent's license for a period of ninety (90) days and for all other proper relief.

Respectfully submitted,

Theodore E. Rokita
Indiana Attorney General
Attorney No.: 18857-49

By:



Abigail E. Smith
Deputy Attorney General
Attorney Number: 36082-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Petition for Summary Suspension" has been duly served upon Respondent listed below, by USPS mail, postage prepaid, on this 2nd day of August 2021.

Angel McGavic
601 S 17th St.
Vincennes, Indiana 47591



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