

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2011 NB 455

IN THE MATTER OF THE LICENSE OF)
JENNIFER RENEE MOORE, R.N.)
LICENSE NO: 28156465A (EXPIRED))



COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General, Laura E. Wilford on behalf of the Office of Attorney General, and pursuant to Ind. Code §25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code §4-21.5-3 and Ind. Code ch. 25-1-9, files its Complaint against the Indiana nursing license of Jennifer Renee Moore, R.N. ("Respondent"), and in support alleges and states the following:

FACTS

1. Respondent is a licensed Registered Nurse ("R.N.") in the State of Indiana having been issued license number 28156465A on March 11, 2003.
2. Respondent's address filed with the Indiana Professional Licensing Agency ("IPLA") is 8450 East 123rd Court, Crown Point, Indiana 46307.
3. On or around May 11, 2003, Respondent began employment as a nurse at St. Mary's Medical Center ("St. Mary's") located in Hobart, Indiana. She had been employed at St. Mary's since 2002 as a Nurse Apprentice Technician.
4. On or around May 9, 2010, St. Mary's Omni Cell report showed that Respondent removed two Norco 5 tablets for Patient A at 9:22am. Respondent failed to chart on this patient and she failed to document the administration or waste of the medication.
5. On or around May 10, 2010, St. Mary's Omni Cell report showed that Respondent removed one Norco 5 tablet for Patient A at 10:25am. Respondent again failed to document this

in the chart or on the Medication Administration Record ("MAR"). Later at 1:51pm, Respondent removed two Norco 5 tablets for Patient A and Respondent again failed to document this in the chart or MAR.

6. On or around May 13, 2010, St. Mary's Omni Cell report showed that at 5:31am, Respondent removed two Norco 5 tablets for Patient B and Respondent failed to document this on the patient's chart or MAR.

7. On or around May 16, 2010, St. Mary's Omni Cell report showed that at 1:30pm, that Respondent removed one Norco 5 tablet for Patient C and Respondent failed to document this on the patient's chart or MAR.

8. On or around June 30, 2010, St. Mary's investigation revealed that Respondent was a high Hydrocodone dispenser in the hospital. The unit manager found excessive access by Respondent on patients that were not assigned to her and the MAR had no entry that the narcotics were given to the patients. The three patients involved, all stated they did not ask for additional narcotic medication at those times. When questioned about her usage, Respondent initially stated that it was typical for the nursing staff to help each other out when it was busy by getting meds for each other. Conversely, when asked why the narcotics were not listed on the MAR, Respondent said she did not know. Finally, when told that if she did not cooperate the incident would become a police matter, Respondent admitted that she had a problem. St. Mary's notified Respondent that she would now be referred to the Indiana State Nurses Assistance Program ("ISNAP") and asked Respondent to empty her purse. 7 tablets of Hydrocodone 5/325 and 2 tablets of Oxycodone 4.5mg. .38 mg. 325 mg. were found in Respondent's purse.

9. Respondent's employment with St. Mary's was suspended for fourteen (14) days for "diversion of drugs, possession of drugs prescribed by a physician for a patient, MAR not

recorded but Omni Cell indicates dispensing occurred.” Respondent was escorted to a urine drug screen (“UDS”)

10. On July 1, 2010, Respondent reported herself to ISNAP and initiated intake. She stated she was on the verge of diverting a controlled substance from her workplace. ISNAP notes reflect Respondent later admitted to a single incident of diversion.

11. On or around July 8, 2010, St. Mary’s terminated Respondent’s employment for drug diversion. Respondent’s UDS from June 30, 2010 reported positive for opiates and propoxyphene.

12. On July 12, 2010, Ann Simmons, C.D.A., assessed Respondent at Porter-Starke Services, with sedative-hypnotic dependence and opioid abuse.

13. On September 28, 2010, Respondent entered into a three-year ISNAP Recovery Monitoring Agreement (“RMA”). Respondent’s RMA directed Respondent to do the following:

- a. practice total abstinence from alcohol and controlled substances;
- b. not take any mood-altering drug within 48 hours of her work shift and must notify ISNAP if such substances are prescribed to her;
- c. follow and be bound by the terms and conditions of the "Participant Handbook;"
- d. notify ISNAP immediately if she required medical attention requiring mood altering substances; and,
- e. participate in random UDS’s through Witham Laboratory in Lebanon, Indiana, or as otherwise directed by ISNAP.

14. Between September 2010 to August 2011, Respondent’s ISNAP monitoring revealed the following RMA deficiencies:

- a. six (6) missed UDS’s;

- b. two (2) significant non-compliant quarterly compliance reports; and
- c. a three (3) month extension of Respondent's RMA due to non-compliance.

15. On August 4, 2011, ISNAP terminated Respondent's case for significant non-compliance and referred her case closure to IPLA and Petitioner.

16. On or around November 1, 2011, Respondent's Indiana nursing license expired.

COUNT I

17. Paragraphs 1 through 16 are incorporated by reference herein.

18. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that she has continued to practice although the Respondent has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's diversion of controlled substances and positive UDS for opiates and propoxyphene while employed at St. Mary's, her diagnosis of sedative-hypnotic dependence and opioid abuse, and her failure to successfully complete her ISNAP RMA which resulted in her case closure on August 4, 2011.

COUNT II

19. Paragraphs 1 through 16 are incorporated by reference herein.

20. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend (as defined in Ind. Code § 16-18-2-199) as evidenced by Respondent's narcotic discrepancies, the discovered controlled substances in Respondent's purse, and her positive UDS for opiates and propoxyphene while employed at St. Mary's.

COUNT III

21. Paragraphs 1 through 16 are incorporated by reference herein.

22. Respondent's actions constitute a violate of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although the Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondent's narcotic discrepancies and poor documentation while employed at St. Mary's.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and;
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

GREGORY F. ZOELLER
Attorney General of Indiana
Attorney No. 1958-98

By:

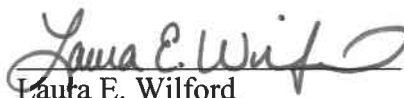

Laura E. Wilford
Deputy Attorney General
Attorney No. 24446-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been served upon Respondent by United States mail, first-class, postage prepaid, on this 14th day of November, 2011.

Jennifer Renee Moore
8450 East 123rd Court
Crown Point, Indiana 46307

By:


Laura E. Wilford
Deputy Attorney General

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