BEFORE THE INDIANA STATE BOARD OF NURSING
CAUSE NUMBER: 2011 NB 051

IN THE MATTER OF THE LICENSE OF)
)
ANNA DENISE MOYE, L.P.N.)
)
LICENSE NO: 27039560A (Expired))

COMPLAINT

This complaint is brought against the nursing license of Anna Denise Moye, L.P.N. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General, Mark E. Mader, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq*. and Ind. Code § 25-1-9-1 *et seq*. and in support alleges and states:

FACTS

1. Respondent is a Licensed Practical Nurse (LPN) in the State of Indiana. On October 28, 1994, the Indiana State Board of Nursing ("Board") issued her license number 27039560A. Respondent's address listed with the Board is 459 Ohio Street, Franklin, Indiana 46131.

2. On October 31, 2007, the State of North Carolina issued Respondent a temporary LPN license and she began employment at Yadkin Nursing Care Center (Yadkin NCC) in Yadkinville, North Carolina.

3. In December 2007, all staff at Yadkin NCC were subjected to random urine drug screens after staff reported sixty (60) Xanax tablets missing. Respondent resigned her employment prior to learning the results of her urine drug screen. Respondent's urine drug screen was positive for amphetamines.

4. After notification by Yadkin NCC on January 18, 2008, the North Carolina Board of Nursing (North Carolina Board) revoked Respondent's temporary LPN license.

5. Respondent requested and the North Caroline Board scheduled a hearing on this matter for March 28, 2008. Respondent failed to attend and the North Carolina Board upheld the revocation of Respondent's temporary North Carolina LPN license.

6. On January 29, 2008, Respondent began employment at Homeview Health and Rehab ("Homeview") in Franklin, Indiana.

7. On February 10, 2008, Respondent contacted the Indiana State Nurses Assistance Program (ISNAP) after receiving a referral letter from Petitioner.

8. Respondent's explanation for her positive test for amphetamines at Yadkin NCC was because she took an Adderall tablet belonging to her boyfriend for her asthma symptoms.

9. In March 2008, ISNAP's clinical team (CT) reviewed Respondent's case and her diagnosis of amphetamine abuse, and recommended a one (1) year Recovery Monitoring Agreement (RMA).

10. In April 2008, the CT met and changed their recommendation from an "abuse" diagnosis to a "rule out" diagnosis and reduced Respondent's RMA to six (6) months.

11. In May 2008, Respondent returned her RMA to ISNAP.

12. Homeview employment records indicate Homeview terminated Respondent on June 10, 2008 due to her leaving the building without notifying a supervisor. Respondent personally signed her termination form.

13. In June 2008, Respondent reported to ISNAP she was a flood victim, was staying with a neighbor, but still had phone service. Respondent also reported to ISNAP that she lost her job at Homeview because of the flooding.

14. In October 2008, ISNAP reported that Respondent was in significant non-compliance due to missing all self reports, AA/NA meeting logs, and missing all scheduled urine drug screens.

15. On October 17, 2008, Respondent completed her Indiana LPN renewal online. Respondent checked "N" to all questions including Question 5 which read:, "Since you last renewed, have you ever been terminated, reprimanded, disciplined, or demoted in the scope of your practice as a Nurse or as another health care professional?" although she was terminated from Homeview in June 2008.

16. On November 20, 2008, the Board denied Respondent's Indiana LPN renewal after she failed to appear for a personal appearance and ISNAP reported she was in significant non-compliance of her RMA.

17. On November 24, 2008, ISNAP closed Respondent's file due to significant non-compliance.

18. On June 23, 2009, Respondent completed a paper copy of her Indiana LPN renewal. Respondent checked "N" to all questions including Question No. 5 which read: "Have you ever been terminated, reprimanded, disciplined, or demoted in the scope of your practice as a nurse or as another health care professional?" and Question No. 1, "Has any Health Professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?" Respondent failed to disclose the North Carolina Board's revocation of her temporary LPN license or her termination from Homeview in June 2008.

19. Respondent made a personal appearance before the Board in August 2009 and the Board referred the matter to Petitioner for investigation.

COUNT I

20. Paragraphs 1 through 19 are repeated and incorporated herein by reference.

21. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(7) in that disciplinary action has been taken against the practitioner or practitioner's license to practice in any state or jurisdiction on grounds similiar to those under IC 25-1-9 *et seq.* as evidenced by the revocation of Respondent's temporary license by the North Carolina Board of Nursing.

COUNT II

22. Paragraphs 1 through 19 are repeated and incorporated herein by reference.

23. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that she has engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice as evidenced by Respondent's failure to correctly answer questions 1 and 5 when she completed her 2008 LPN nursing renewal applications.

COUNT III

24. Paragraphs 1 through 19 are repeated and incorporated herein by reference.

25. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent continued to practice although unfit due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endagner the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's "rule out" diagnosis and the closure of Respondent's ISNAP file due to significant non-compliance.

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: _____
Mark E. Mader
Deputy Attorney General
Attorney No. 8972-98

CERTIFICATE OF SERVICE

I certify that Petitioner has served a copy of the "Complaint" upon Respondent by United States mail, first-class, postage prepaid, on this 1st day of March, 2011.

Anna Denise Moye
459 Ohio Street
Franklin, Indiana 46131

Anna Moye
130 Ridge Street
Franklin, IN 46131

By: _____
Mark E. Mader
Deputy Attorney General

OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: (317) 233-3972
Fax Number: (317) 233-9343
Email: mmader@atg.in.gov