

IN THE MATTER OF THE LICENSE OF)
JACQUI L. MUEZ, R.N.)
LICENSE NO: 28192754A (Active))



COMPLAINT

This complaint is brought against the Registered Nurse's license of Jacqui L. Muez, R.N. ("Respondent"), by the Office of the Indiana Attorney General, by counsel, Deputy Attorney General, Jason J. Gross, 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 *et seq.*, the Administrative Orders and Procedures Act, and Ind. Code §25-1-9-1 *et seq.* and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 3300 Brenner Street, Lafayette, Indiana 47909. Respondent is a Registered Nurse ("R.N.") in the State of Indiana holding license number 28192754 (Active). Respondent's nursing license was issued on August 18, 2010, and will expire on October 31, 2013.

2. On or about July 9, 2010, Respondent was hired as a R.N. at Lafayette East Hospital ("Lafayette East") in Lafayette, Indiana.

3. On or about May 10, 2011, Respondent met with Caleb Selby ("Selby"), Senior Human Resource Representative, at Lafayette East to discuss numerous discrepancies and trends in Respondent's Omnicell system report.

4. During the interview with Respondent, Selby pointed out three concerns.

- a. There were multiple instances where medication was pulled from the Omnicell using Respondent's access information where the patient it was pulled for had no order for the drug. Upon further investigation into these patient's charts, no documentation was made that the drug was administered to the patients.
- b. There were multiple instances where Respondent's access was being used to pull a higher dosage than was necessary for the patient's written order.
- c. There were multiple instances where Respondent's access was being used to pull Morphine or Hydrocodone, and then her access was being used directly afterwards to waste the medication that was just pulled. Within this trend, there was a high number of times where the witness to the "wastings" was Employee A. Upon further investigation of Employee A's timecards several of these instances included times when Employee A was not a work.

5. In response to the first discrepancy in Respondent's Omnicell reports, Respondent stated that during training the medication supplies were consistently out of stock and so she had gotten used to taking a larger dose than was called for and wasting what was left over.

6. In response to the second discrepancy in Respondent's Omnicell reports, Respondent stated that she was dating Employee A and that the reason so many wastings had been validated by his access ID was due to the fact that Respondent was using Employee A's password to be a "more efficient employee." Respondent stated that she had obtained Employee A's password when he needed assistance setting up his system access.

7. In response to the third discrepancy in Respondent's Omnicell reports, Respondent stated that she would receive orders from physicians who would frequently change

their mind about the amount of medication ordered causing Respondent to have to waste the original orders.

8. When Selby confronted Respondent about the fact that these wastings occurred so closely to the original pull, sometimes with one to three minutes, Respondent had no clear reason.

9. Respondent was then told that this would be her last opportunity to let Selby and the hospital know what was going on.

10. Respondent admitted to diverting the narcotics for use on her twelve (12) year old cat. Respondent explained that the cat had been sick for the past year or so, and that the narcotics were used to ease the cat's pain.

11. Respondent was confronted by Selby with the large amounts of medication taken and the fact that they could not all have been used on the cat. Respondent claimed that she did not take all of the medication that was missing.

12. At the conclusion of the interview with Selby, Respondent was placed on immediate suspension from Lafayette East pending the completion of an investigation.

13. On or about May 9, 2011, Respondent was terminated from Lafayette East for Violation of the Rules stemming from Respondent's diversion of narcotics from the Omnicell machine.

14. On or about July 20, 2011, Respondent began the intake process with the Indiana State Nurses Assistance Program ("ISNAP").

15. On or about July 27, 2011, Respondent told petitioner that she had experienced pain for the past eleven (11) years and had become dependent on the narcotics to function throughout the day.

16. Respondent stated in the letter that she never used narcotics while on the clock.

17. Respondent stated in the letter that subsequent to her termination at Lafayette East, Respondent had surgery to alleviate the pain she had been experiencing and voluntarily entered into ISNAP.

18. On or about September 27, 2011, Respondent was diagnosed with opiod dependence.

19. On or about November 8, 2011, Respondent signed a three (3) year Recovery Monitoring Agreement (RMA) with ISNAP.

20. Respondent is currently in active monitoring with ISNAP.

COUNT I

21. Paragraphs 1 through 20 are repeated and incorporated herein.

22. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend drug while employed at Lafayette East when she took Morphine and Hydrocodone out of the Omnicell system for personal use.

COUNT II

23. Paragraphs 1 through 20 are repeated and incorporated herein.

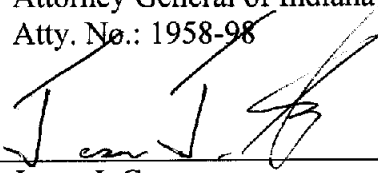
24. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent was addicted to and/or abused drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's admission to diverting Morphine and Hydrocodone for her own personal use.

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
Atty. No.: 1958-98

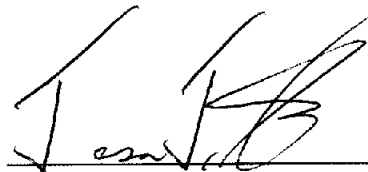
By: 

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CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United States mail, first-class, postage prepaid, on this 23rd day of April 2012.

Jacqui L. Muez
3300 Brenner Street
Lafayette, Indiana 47909

A handwritten signature in black ink, appearing to read "Jason J. Gross", written over a horizontal line.

Jason J. Gross
Deputy Attorney General
Attorney No.: 23587-49