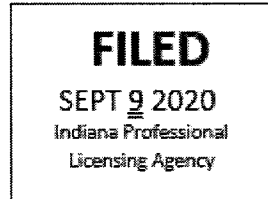


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2020 NB 0196

IN THE MATTER OF THE LICENSE OF)
)



GINGER MULLINS, RN)
)

LICENSE NO: 28148328A)

ADMINISTRATIVE COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General, Whitney N. Cooper, on behalf of the Office of the Attorney General, and pursuant to Ind. Code § 25-1-7-7. Ind. Code § 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3, and Ind. Code § 25-1-9, files its Complaint against the Indiana registered nursing license of Ginger Mullins, RN ("Respondent"), and in support alleges and states the following:

1. Respondent is a Registered Nurse ("RN") in the State of Indiana, having been granted RN License Number 28148328A on or about August 18, 2000, by the Indiana State Board of Nursing ("Board").
2. Respondent's address on file with the Board is 2191 West Bobwhite Drive, Scottsburg, Indiana 47170.

3. Beginning in March 2010, Respondent began employment as a RN at Family Medical Associates, P.C., a family medicine practice owned and operated by Dr. Dhamy Sivamohan, M.D., in Scottsburg, Indiana.
4. In December 2011, Dr. Sivamohan discovered Respondent had written and/or called in controlled substance prescriptions for Respondent and other patients of Dr. Sivamohan without Dr. Sivamohan's knowledge or authorization.
5. Based on Dr. Sivamohan's information, the Indiana State Police ("ISP") began an investigation of Respondent in late 2011.
6. Ultimately, ISP determined Respondent had caused the following prescriptions to be submitted to pharmacies in Scott County under Dr. Sivamoha's name and DEA registration without Dr. Sivamohan's knowledge or consent:
 - a. RX485779: 60 hydrocodone/acetaminophen 10/500mg tablets for Respondent written by Respondent, submitted to CVS Pharmacy #6780 on 08/17/2011, and picked up from CVS Pharmacy #6780 by Respondent on 08/17/2011;
 - b. RX3774322: 30 hydrocodone/acetaminophen 7.5/500mg tablets for Respondent written by Respondent, submitted to Medical Arts Pharmacy on 10/10/2011, and picked up from Medical Arts Pharmacy by an unknown person on or about 10/10/2011;
 - c. RX3777348: 30 hydrocodone/acetaminophen 7.5/500mg tablets for Respondent written by Respondent, submitted to Medical Arts Pharmacy on 11/09/2011, and picked up from Medical Arts Pharmacy by an unknown person on or about 11/09/2011;

- d. RX504508: 60 hydrocodone/acetaminophen 10/500mg tablets for Respondent submitted to CVS Pharmacy #6780 via telephone on 11/30/2011 and picked up from CVS Pharmacy #6780 by an unknown person on or about 11/30/2011;
- e. RX4484998: 30 phentermine 37.5mg tablets for S.J. submitted to the Hancock's Drug Store pharmacy by Respondent via telephone on 06/14/2011 and the prescription was picked up from Hancock's Drug Store by an unknown person on 06/14/2011;
- f. RX 4488274: 30 phentermine 37.5mg tablets for Ja.P. submitted to Hancock's Drug Store pharmacy by Respondent via telephone on 07/05/2011, but this prescription was never picked up from the pharmacy;
- g. RX4769522: 30 phentermine 37.5mg tablets for K.D. submitted to Medial Arts Pharmacy by Respondent via telephone on 08/22/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 08/22/2011;
- h. RX3769501: 15 hydrocodone/acetaminophen 7.5/500mg tablets for L.R. submitted to Medical Arts Pharmacy by Respondent via telephone on 08/22/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 08/22/2011;
- i. RX3772311: 60 hydrocodone/acetaminophen 7.5/500mg tablets for L.R. submitted to Medical Arts Pharmacy by Respondent via telephone on 09/20/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 09/20/2011;
- j. RX3775251: 20 hydrocodone/acetaminophen 7.5/500mg tablets for L.R. submitted to Medical Arts Pharmacy by Respondent via telephone on

10/18/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 10/18/2011;

- k. RX3775200: 30 hydrocodone/acetaminophen 5/500mg tablets for M.B. written by Respondent on 10/18/2011 and picked up at Medical Arts Pharmacy by Becky last name unknown on or about 10/18/2011;
- l. RX2225728: 60 oxycodone/acetaminophen tablets for M.B. written by Respondent on 10/19/2011, dropped off to Walmart Pharmacy #1142 by co-conspirator Lauren Parrish on 10/19/2011, and picked up from Walmart Pharmacy #1142 by co-conspirator Lauren Parrish on 10/19/2011;
- m. RX4776200: 30 phentermine 37.5mg tablets for K.D. submitted to Medical Arts Pharmacy by Respondent via telephone on 10/28/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 10/28/2011;
- n. RX3777074: 10 hydrocodone/acetaminophen 7.5/500mg tablets for L.R. submitted to Medical Arts Pharmacy by Respondent via telephone on 11/07/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 11/07/2011;
- o. RX2777902: 90 oxycodone/acetaminophen 10/325mg tablets for M.B. written by Respondent on 11/15/2011 and picked up at Medical Arts Pharmacy by Brittany Barnett on or about 11/15/2011;
- p. RX2693031: 60 oxycodone/acetaminophen 10/325mg tablets for D.L. written by Respondent on 11/22/2011, submitted to Austin Pharmacy from a person in a vehicle matching Respondent's known vehicle on 11/22/2011, and picked up

from Austin Pharmacy by a person in a vehicle matching Respondent's known vehicle on 11/22/2011;

- q. RX4778696: 30 phentermine 37.5mg tablets for L.R. submitted to Medical Arts Pharmacy by Respondent via telephone on 11/22/2011 and picked up from Medical Arts Pharmacy by an unknown person on or about 11/22/2011;
 - r. RX4779824: 30 phentermine 37.5mg tablets for S.J. submitted to Hancock's Drug Store pharmacy by Respondent via telephone on 12/05/2011 and picked up from Hancock's Drug Store by an unknown person on or about 12/05/2011.
- 7. Once ISP became involved, Respondent never returned to her employment at Dr. Sivamohan's office.
 - 8. On or about June 23, 2015, Respondent was charged with Obtaining or Attempting to Obtain Legend Drugs by Fraud, Class D Felony, and Unlicensed Practice of Nursing, Class B Misdemeanor, in Scott Superior Court under cause number 72D01-1506-FD-000004. These charges stemmed from Respondent's actions while employed by Dr. Sivamohan in 2011.
 - 9. In July 2015, Respondent began employment as a RN at Silver Memories Healthcare, a long-term care and rehabilitation facility located in Versailles, Indiana.
 - 10. On or about October 30, 2015, Respondent submitted an application to renew her license, and Respondent answered affirmatively to the following questions:
 - a. Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?

b. Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?

11. Based on her positive responses on her 2015 renewal application, Respondent was scheduled to appear before the Board for a Personal Appearance on December 10, 2015. The Personal Appearance was then rescheduled for February 4, 2016. Respondent appeared before Administrative Law Judge Mary Rock on February 4, and ALJ Rock recommended the matter be heard by the full Board. Therefore, on February 18, 2016, Respondent appeared for a Personal Appearance before the full Board.

12. The minutes from the Personal Appearance Respondent attended on February 18, 2016, state:

Ms. Mullins appeared for her personal appearance regarding her application for renewal. She answered yes to question number 3 on her renewal application. She has pending criminal charges but states she is innocent. She was arrested in July 2015, for an issue that happened 5 years ago. She was arrested for calling in a prescription for hydrocodone that the doctor did not order. She says another nurse in the practice was the one to actually call it in and that person has also been arrested. She also at one point in time was working on an expired license. A motion was made and seconded to renew license on probation pending the resolution of the criminal charges. Cooper/Smith 7-0-0

13. Inexplicably, no Order was issued following the Personal Appearance on February 18, 2016. As a result, Respondent's license was not placed on probation, despite the Board's decision to place the license on probation until Respondent's criminal matter was resolved.

14. On April 11, 2016, Respondent's employment at Silver Memories Healthcare was terminated. The Chief Compliance Officer for Ide Management Group, the parent company of Silver Memories Healthcare, told the Administrator at Silver Memories to terminate Respondent's employment due to Respondent's "pending legal issues."
15. On May 13, 2016, Respondent was charged with the following in Scott Superior Court under cause number 72D01-1605-FD-000001:
 - a. Eleven (11) counts of Obtaining a Controlled Substance by Fraud or Deceit, Class D Felony;
 - b. Five (5) counts of Unlawful Production of Prescription Forms, Class D Felony.

Also on May 13, 2016, based on the filing of these charges (which also stemmed from Respondent's actions while employed by Dr. Sivamohan in 2011), the State of Indiana moved for and the Court granted the dismissal of the charges previously filed against Respondent in cause number 72D01-1506-FD-000004.

16. When Respondent submitted her license renewal application on or about October 2, 2017. Respondent answered "no" to all questions, including the following which should have been answered affirmatively by Respondent:
 - a. Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?

b. 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?

17. On January 24, 2020, Respondent entered a guilty plea to two (2) counts of Obtaining a Controlled Substance by Fraud or Deceit as Class A Misdemeanors and Unlawful Production of Prescription Forms as a Class A Misdemeanor under cause number 72D01-1605-FD-000001. All remaining charges pending in the matter were dismissed, and Respondent was sentenced to three (3) years, with credit for six (6) days served and 1,089 days suspended onto probation, forty (40) hours of community service, and various fines/costs.

VIOLATION I

18. Paragraphs 1 through 17 are hereby incorporated by reference herein.
19. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently as evidenced by Respondent being convicted of two counts of Obtaining a Controlled Substance by Fraud or Deceit and Unlawful Production of Prescription Forms under cause number 72D01-1605-FD-000001.

VIOLATION II

20. Paragraphs 1 through 17 are hereby incorporated by reference herein.
21. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, specifically 848 IAC 2-2-3(2), as

evidenced by Respondent performing any nursing technique or procedure for which the nurse is unprepared by education or experience when Respondent wrote and called in prescriptions without authorization from a qualified provider.

VIOLATION III

22. Paragraphs 1 through 17 are incorporated by reference herein.
23. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(A) in that Respondent has continued to practice although the practitioner has become unfit to practice due to professional incompetence that includes the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake when Respondent wrote and called in prescriptions without authorization from a qualified provider.

VIOLATION IV

24. Paragraphs 1 through 17 are incorporated by reference herein.
25. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged fraud or material deception in the course of professional services or activities while employed at Family Medical Associates, P.C.

VIOLATION V

26. Paragraphs 1 through 17 are incorporated by reference herein.
27. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice by providing false information to the Board at her Personal Appearance in 2016.

VIOLATION VI

28. Paragraphs 1 through 17 are incorporated by reference herein.
29. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice by providing false information on her 2017 license renewal application.

WHEREFORE, Petitioner demands an order against 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,

Curtis T. Hill, Jr.
Indiana Attorney General
Attorney No. 13999-20



By:

Whitney Cooper
Deputy Attorney General
Attorney No. 30305-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 9th day of September, 2020.

Ginger Mullins
2191 West Bobwhite Drive
Scottsburg, Indiana 47170

A handwritten signature in black ink, appearing to read "Whitney N. Cooper", with a stylized flourish at the end.

Whitney N. Cooper
Deputy Attorney General
Attorney Number: 30305-49

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