

**BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2014 NB 335**

**IN THE MATTER OF THE LICENSE OF:     )  
IRIS JACQUELINE OTA, R.N.             )  
LICENSE NO: 28192163A (ACTIVE)     )**



**ADMINISTRATIVE COMPLAINT**

The State of Indiana (“Petitioner”), by counsel, Deputy Attorney General Patricia Gibson, on behalf of the Office of the 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 ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Complaint against the Indiana nursing license of Iris Jacqueline Ota, R.N., (“Respondent”) and in support alleges and states the following:

**FACTS RELATING TO ALL COUNTS**

1. Respondent is a Registered Nurse (“RN”) in the State of Indiana having been issued license number 28192163A on July 21, 2010.
2. Respondent’s address on file with the Indiana Professional Licensing Agency is 211 East Pine Street, Princeton, Indiana 47670. Another known address for Respondent is 329 South 5<sup>th</sup> Street, Apt. #39, Princeton, Indiana 47670.

**COUNT 1**

**FACTS RELATING TO ISNAP**

3. On or about October 29, 2012, Respondent submitted a pre-employment urine drug screen (“UDS”) for a Golden Living facility located in Evansville, Indiana.

4. On or about October 30, 2012, Respondent's UDS was positive for phenobarbital.

5. On February 25, 2013, pursuant to an Involuntary Order into Indiana State Nurses Assistance Program ("ISNAP"), Respondent contacted ISNAP.

6. On March 4, 2013, Respondent was diagnosed with poly-substance dependence.

7. On April 10, 2013, Respondent entered into a three (3) year recovery monitoring agreement ("RMA") with ISNAP.

8. Respondent had positive UDS's on the following dates:

- a.) March 28, 2014, for opiates and tramadol;
- b.) April 10, 2014, for opiates and alcohol;
- c.) June 3, 2014, for amphetamines;
- d.) June 24, 2014, for alcohol; and
- e.) July 1, 2014, for amphetamines.

9. On June 24, 2014, ISNAP extended Respondent's RMA for six (6) months.

10. On August 25, 2014, Respondent completed inpatient rehabilitation treatment.

11. On November 14, 2014, ISNAP determined Respondent had not been calling in to see if she was scheduled for a UDS since September, 2014, and closed Respondent's case.

### VIOLATIONS

12. By her conduct in being diagnosed with poly-substance dependence and having positive UDS's, Respondent has continued to practice although Respondent has become unfit to practice due to addiction to, abuse of, or severe dependency on upon alcohol or other drugs that endanger the public by impairing Respondent's ability to practice safely, subjecting Respondent to discipline by this Board in accordance with Ind. Code § 25-1-9-4(a)(4)(D).

13. By her conduct in having positive UDS's and not calling in to see if she was scheduled for a UDS, Respondent failed to comply with the program requirements that resulted in the termination of Respondent's participation in ISNAP, and violated 848 IAC 7-1-7(1), a state rule regulating the nursing profession, subjecting Respondent to discipline by this Board in accordance with Ind. Code § 25-1-9-4(a)(3).

## **COUNT 2**

### **FACTS RELATING TO TERRACE AT SOLARBRON**

14. On August 3, 2010, Respondent was employed as an RN at The Terrace of Solarbron ("The Terrace") located in Evansville, Indiana.

15. On June 28, 2014, Resident A was alert and oriented times four (4).

16. On June 28, 2014, Resident A had an order for two (2) Lortab 7.5mg tablets every four (4) hours as needed.

17. On June 28, 2014 at 1715, Respondent documented as administered two (2) Lortab 7.5mg tablets to Resident A.

18. On June 28, 2014 at 1800, Respondent documented as administered an additional two (2) Lortab 7.5mg tablets to Resident A.

19. On June 30, 2014, Resident A informed The Terrace staff that Respondent administered only two (2), not four (4) Lortabs to him on June, 28, 2014.

20. On June 30, 2014, Respondent's for cause UDS was positive for amphetamines.

21. On July 2, 2104, Respondent's employment with The Terrace was terminated for theft.

## VIOLATIONS

22. By her conduct in documenting as administered four (4) Lortab 7.5mg tablets to Resident A within forty-five (45) minutes when Resident A only received two (2) tablets, Respondent has diverted a legend drug, subjecting Respondent to discipline by this Board in accordance with Ind. Code § 25-1-9-4(a)(8)(A).

23. By her conduct in documenting as administered four (4) Lortab 7.5mg tablets to Resident A when Resident A only received two (2) tablets, Respondent engaged in fraud or material deception in the course of professional services or activities, subjecting Respondent to discipline by this Board in accordance with Ind. Code § 25-1-9-4(a)(1)(B).

**ACCORDINGLY**, the Petitioner demands this Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code ch. 25-1-9;
2. imposes the appropriate disciplinary sanction;
3. directs Respondent to immediately pay all costs incurred in the prosecution of this case; and
4. provides any further relief as the Board deems just and proper.

Respectfully submitted,

GREGORY F. ZOELLER  
Attorney General of Indiana  
Attorney Number: 1958-98

By: 

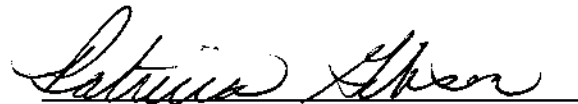
Patricia Gibson  
Deputy Attorney General  
Attorney Number: 12011-49

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Administrative Complaint" has been duly served upon Respondent listed below, by United States mail, first-class, postage prepaid, on this 19th day of December, 2014.

Iris Jacqueline Ota RN  
211 East Pine Street  
Princeton, Indiana 47670

Iris Jacqueline Ota RN  
329 South 5th Street, Apt. #39  
Princeton, Indiana 47670



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