

4. Respondent's address on file with the Board, as maintained by the Indiana Professional Licensing Agency ("IPLA"), is 1924 Creekson Drive, Kokomo, Indiana 46901. Another address known for Respondent is 1231 S. Delphos Street, Kokomo, Indiana 46901.

5. On May 21, 2020, Respondent began employment as a RN at Kokomo Healthcare Center ("KHC"), a Communicare facility located in Kokomo, Indiana.

6. On May 12, 2022, Resident T.M., a resident of KHC, reported to a charge nurse that Respondent had been giving her Ibuprofen 800mg in place of her prescribed pain medication, which was Hydrocodone APAP 7.5/325mg. Resident T.M. reported that she had kept one of the pills and done research to determine that it was Ibuprofen.

7. The issue was then reported to Kathy Lee, RN, the then Director of Nursing ("DON Lee"). Effective May 13, 2022, DON Lee initiated an investigation and suspended Respondent pending investigation.

8. On May 17, 2022, following DON Lee's investigation, Respondent was given a Final Written Warning for medication administration, safety and documentation violations. In the "violation statement" section of the Corrective Action Form, it is documented that the resident had to correct Respondent regarding her pain medication when she requested a pain pill and was given an Ibuprofen 800mg. Respondent, DON Lee and an HR representative signed the Corrective Action/Final Written Warning.

9. Also on May 17, 2022, DON Lee and Respondent signed a document that indicated the following:

- a. All meds will be given as ordered when ordered
- b. All PRN meds will be documented in the nurse's notes
- c. Any add'l concerns will result in investigation and possible immediate termination
- d. Med carts will be audited unannounced by management.

10. On June 7, 2022, a case manager from an addiction treatment center phoned KHC Executive Director Sydnie Reed (“ED Reed”). The case manager notified ED Reed that Respondent had been in-patient at the center and that Respondent had possibly diverted medications from KHC. It seems the case manager contacted KHC to determine if Respondent had been terminated or if she was eligible for FMLA or short-term disability.

11. Based upon the information that Respondent possibly diverted medications, KHC Vice President of Clinical Services Gina Auker (“VP Auker”) and ED Reed initiated a new investigation regarding possible diversion by Respondent.

12. On June 9, 2022, Respondent, by phone, self-reported to ED Reed that she was in-patient at an addiction treatment center; Respondent denied ever being impaired at work.

13. In the course of the investigation by KHC, multiple resident records were reviewed.

14. A review of Resident T.M.’s controlled substance records and medication administration records reflect that between April 8, 2022 and May 8, 2022, Respondent withdrew fifteen (15) tablets of Resident T.M.’s hydrocodone/APAP 7.5/325mg.

15. Respondent only documented doses as being administered to Resident T.M. on April 24, 2022, April 29, 2022, and May 4, 2022, leaving twelve (12) unaccounted for tablets of hydrocodone/APAP 7.5/325mg.

16. On June 2, 2023, Drug Diversion Investigator Justin White with the Indiana Office of the Attorney General Medicaid Fraud Control Unit (“D.I. White”) interviewed Respondent regarding the allegations of diversion from KHC. The interview was audio recorded.

17. Respondent admitted to D.I. White that she had an addiction to Norco, and while she was mainly buying them off the street, she did take Norco from patients. Respondent further

indicated that from “maybe” May to July 2022, she took Norco from four (4) or five (5) patients, and she did that by giving them either Ibuprofen or Tylenol instead and keeping their Norco.

18. Respondent indicated to D.I. White that sometimes she would consume the Norco at KHC, and other times she would wait and take it at home. Respondent stated that she was not impaired at work, because they did not impair her and she had once had a prescription for Norco due to back pain.

19. In the course of the interview, Respondent indicated that she was documenting accessing and administering the medications correctly, but administering Ibuprofen instead of the hydrocodone/APAP. She was taking the Ibuprofen from the medication cart, and the residents to whom she was administering it did not have orders for Ibuprofen. Respondent believed that she was taking patient Norco “a couple times a week” from May to July 2022.

20. In the course of the interview, D.I. White requested Respondent provide a written and signed statement, which she did. Respondent wrote the following:

I took Norco and Hydrocodone from pt and replaced them with [the] Ibuprofen from May 2022 to July 2022. I went to rehab in July and have been clean ever since. I pocketed most of the meds and took them when I got home. I did take a couple while I was working.

/s/ Shawn Randles

21. On June 29, 2023, Respondent was charged under Howard County Cause 34C01-2306-F5-001882, with the following:

- a. Count 1: Interference with Medical Services, a level 5 Felony;
- b. Count 2: Obtaining a Controlled Substance by Fraud, a level 6 Felony;
- c. Count 3: Failure to Make, Keep, or Furnish a Record, a level 6 Felony;
- d. Count 4: Furnishing False or Fraudulent Information, a level 6 Felony.

These charges were filed by the Indiana Office of the Attorney General Medicaid Fraud Control Unit. In support of the criminal charges filed under 34C01-2306-F5-001882, D.I. White swore an Affidavit for Probable Cause setting forth the facts discovered from his investigation that were necessary for a foundation of probable cause related to Respondent's alleged criminal violations in the course of her working as a nurse at KHC.

22. On September 20, 2023, Respondent enrolled in a five (5) year Recovery Monitoring Agreement ("RMA") with the Indiana State Nurses Assistance Program ("ISNAP"). At that time, Respondent was not working as a nurse, but the RMA required that when Respondent returned to healthcare employment, she would have a narcotics restriction.

23. On October 23, 2024, Respondent submitted her online application to renew her RN license with positive responses on that application. Respondent failed to provide a written explanation of her positive responses. Her license status was changed to Valid to Practice While Reviewed on October 26, 2024.

24. On January 18, 2024, Respondent was set for and failed to appear for her personal appearance before the Board regarding her positive renewal responses with no written explanations.

25. On January 26, 2024, Respondent's Plea Agreement was filed with the court in the matter of 34C01-2306-F5-001882, whereby Respondent agreed to plead guilty to Obtaining a Controlled Substance by Fraud and Furnishing False or Fraudulent Information, both level 6 felonies.

26. On January 31, 2024, Respondent's IPRP Clinical Case Manager ("CCM") notified Respondent that she had missed a total of ten (10) check-ins and requested that she submit a action plan and that further non-compliance put her at risk of unsuccessful discharge from the program.

27. On February 9, 2024, Respondent's IPRP CCM notified her that she had missed a check-in on February 8, 2024, and gave her until the end of the day to submit the previously requested action plan. Respondent did submit an action plan by the end of the day.

28. On February 26, 2024, Respondent's RN license was renewed.

29. On February 28, 2024, a Judgments of Conviction and Sentencing Order was entered by the Howard County Circuit Court, whereby Respondent was convicted of Obtaining a Controlled Substance by Fraud and Furnishing False or Fraudulent Information as level 6 felonies. The remaining counts against Respondent were dismissed by the same order.

30. Respondent was sentenced, pursuant to the Plea Agreement, to 724 days to be served on supervised probation and to include Respondent having requirements to complete the Howard County Alcohol and Drug Treatment Program and thirty (30) hours of community service.

31. On April 18, 2024, Respondent was advised by IPRP that she was missing several reports for the prior and current quarters. Respondent did not respond to that communication.

32. As of May 21, 2024, since her RMA began on September 20, 2023, Respondent had missed thirteen (13) check-ins, one (1) urine drug screen, and multiple quarterly reports (therapist, sponsor and medication management).

33. On May 21, 2024, Respondent was notified that she was discharged from the ISNAP program due to non-compliance with her RMA.

VIOLATION I

34. Paragraphs 1 through 33 are incorporated herein by reference.

35. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(8), in that Respondent diverted hydrocodone/APAP 7.5/325mg from Resident T.M. while working at KHC in April to May 2022.

VIOLATION II

36. Paragraphs 1 through 33 are incorporated herein by reference.

37. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(D), in that Respondent continued to practice at KHC although she had become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing her ability to practice safely, as evidenced by her diversion of controlled substances while working at KHC.

VIOLATION III

38. Paragraphs 1 through 33 are incorporated herein by reference.

39. Respondent's conduct constitutes 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 nursing practice by engaging in unprofessional conduct pursuant to 848 IAC 2-2-3(1), by using unsafe judgment, technical skills, or inappropriate interpersonal behaviors in providing nursing care while working at KHC, including administering ibuprofen to patients in lieu of the pain medication the patients had been prescribed and by taking pain medication for herself, which she had not been prescribed.

VIOLATION IV

40. Paragraphs 1 through 33 are incorporated herein by reference.

41. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(2), in that Respondent has been convicted of a crime, in cause number 34C01-2306-F5-001882, that has a direct bearing on her ability to continue to practice competently and/or is harmful to the public.

VIOLATION V


42. Paragraphs 1 through 33 are incorporated herein by reference.

43. Respondent's conduct constitutes a violation of 848 IAC 7-1-7, in that Respondent failed to comply with the program requirements that resulted in the termination of her participation in the ISNAP program.

WHEREFORE, Petitioner demands an order against the Respondent, that:

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

Respectfully submitted,
Theodore E. Rokita
Indiana Attorney General
Attorney Number: 18857-49

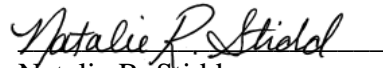
By: 
Natalie R. Stidd
Deputy Attorney General
Attorney Number: 28081-55

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Administrative Complaint" has been served upon the Respondent, as listed below, by United States mail, first class postage prepaid, on this 5th of August, 2024.

Shawn R. Randles
1924 Creekson Dr.
Kokomo, IN 46901

Shawn R. Randles
1231 S Delphos St.
Kokomo, IN 46901


Natalie R. Stidd
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