

FILED

October 20 2022

Indiana Professional
Licensing Agency

FILED

October 20 2022

Indiana Professional
Licensing Agency

Petitioner, the State of Indiana, by counsel, Deputy Attorney General Autumn R. Murphy, pursuant to Ind. Code ch. 25-1-7 *et seq.* and Ind. Code ch. 4-21.5-3 *et seq.*, submits this Administrative Complaint before the Indiana State Board of Nursing against the Registered Nurse license of Kaitlin Rice (“Respondent”) for violations of Ind. Code § 25-1-9-4. In support, Petitioner alleges and states the following:

Respondent's Background

1. Respondent is a licensed Registered Nurse in the State of Indiana, having been issued license number 28261670A on August 24, 2020, which is set to expire October 31, 2023. Respondent also holds an Indiana compact license, having been issued license number 28261670C on August 24, 2020, which is set to expire October 31, 2023.
2. Respondent is also a Registered Nurse in the State of Kentucky, having been granted a privilege to practice in Kentucky under her Indiana compact license.
3. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 2383 North State Road 3, Lexington, Indiana 47138.
4. Respondent is a "practitioner" as that term is defined by Ind. Code § 25-1-9-2.

Disclosure of Protected Health Information

5. On or about December 28, 2021, Respondent was employed by Norton Brownsboro Hospital (“the Hospital”), which is located in Louisville, Kentucky.

6. On or about January 3, 2022, while employed by the Hospital, Respondent took into her possession protected health information of the Hospital’s patients (“the PHI”) and disposed of it in an unsecure trash receptacle outside of the Hospital.

7. The PHI was removed from the dumpster and returned to the Hospital by a consumer.

8. The PHI contained patients’ diagnoses, medications, and names dating back to June of 2021.

9. Respondent received education, verbal counseling, and retained her employment with the Hospital.

Kentucky Board of Nursing Discipline

10. On or about June 1, 2022, Respondent entered into an Agreed Order (“the Agreed Order”) with the Kentucky Board of Nursing (“the Kentucky Board”).

11. As part of the Agreed Order, Respondent acknowledged that, based on her conduct on or about January 3, 2022, the Kentucky Board had sufficient evidence to believe that a violation of Kentucky Revised Statutes § 314.091(1) occurred.

12. The Agreed Order contained in part the following disciplinary requirements:

- a. Issuance of a reprimand expressing concern “regarding the seriousness of Respondent’s inappropriate nursing actions;”
- b. Payment of a civil penalty of five-hundred dollars (\$500.00) to be paid to the Board within six (6) months of the date of the Agreed Order;

- c. Completion of thirty (30) contact hours by a provider that meets the requirements outlined in the Kentucky Administrative Rules on the topic of “Confidentiality/HIPAA” within six (6) months of the date of the Agreed Order;
 - d. Completion of the Kentucky Board’s workshop entitled, “Nursing Leadership: An Overview of Kentucky Nursing Laws and the Kentucky Board of Nursing,” within six (6) months of the date of the Agreed Order;
13. The Agreed Order requires Respondent to notify the Kentucky Board in writing that the requirements of the Agreed Order have been satisfied.
14. Kentucky Revised Statutes § 314.091(1) states as follows:
- (1) **The board shall have power to** reprimand, deny, limit, revoke, **probate**, or suspend **any** license or **credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter**, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:
 - (a) Is guilty of fraud or deceit in procuring or attempting to procure a license, credential, or privilege to practice nursing;
 - (b) Has been convicted of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, a breach of trust, physical harm or endangerment to others, or dishonesty, under the laws of any state or of the United States, if in accordance with KRS Chapter 335B. The record of conviction or a copy thereof, certified by the clerk of the court or by the judge who presided over the conviction, shall be conclusive evidence;
 - (c) Has been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or has been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the nurse;

(d) Has negligently or willfully acted in a manner inconsistent with the practice of nursing;

(e) Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety;

(f) Abuses controlled substances, prescription medications, illegal substances, or alcohol;

(g) Has misused or misappropriated any drugs placed in the custody of the nurse for administration, or for use of others;

(h) Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

(i) Has a license, privilege, or credential to practice as a nurse denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including action by another jurisdiction for failure to repay a student loan;

(j) Has violated any of the provisions of this chapter;

(k) Has violated any lawful order or directive previously entered by the board;

(l) Has violated any administrative regulation promulgated by the board;

(m) Has been listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect, or misappropriation of property;

(n) Has violated the confidentiality of information or knowledge concerning any patient, except as authorized or required by law;

(o) Used or possessed a Schedule I controlled substance;

(p) Has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse;

(q) Has violated KRS 304.39-215;

(r) Has engaged in conduct that is subject to the penalties under KRS 304.99-060(4) or (5); or

(s) As provided in KRS 311.824(2), has been convicted of a violation of KRS 311.823(2).

(Emphasis added.)

15. Kentucky Revised Statutes § 314.091(1)(n) is similar in its grounds for discipline to 848 Ind. Admin. Code 2-2-3(3), which states, “Nursing behaviors (acts, knowledge, and practices) failing to meet the minimal standards of acceptable and prevailing nursing practice, which could jeopardize the health, safety, and welfare of the public, shall constitute unprofessional

conduct. These behaviors shall include, but are not limited to, the following: [. . .] (3) Disregarding a patient/client's dignity, right to privacy, or right to confidentiality.”

16. An Indiana nursing licensee may be disciplined for a violation of 848 Ind. Admin. Code 2-2-3(3) as a knowing violation of a state rule regulating the nursing profession, pursuant to Ind. Code § 25-1-9-4(a)(3).

COUNTS

Discipline in Another Jurisdiction

17. **Count I:** Respondent’s conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(7) in that Respondent has had disciplinary action taken against her privilege to practice in the State of Kentucky on grounds similar to those under this chapter, as evidenced by Respondent’s June 1, 2022 Agreed Order with the Kentucky Board of Nursing for a violation of Kentucky Revised Statutes § 314.091(1). Specifically, Respondent was disciplined on grounds similar to 848 Ind. Admin. Code 2-2-3(3), which is a ground for discipline under Ind. Code § 25-1-9-4(a)(3) for a knowing violation of state statute or rule regulating the nursing profession.

Knowing Violation of State Statute or Rule

18. **Count II:** 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 regulating the nursing profession. Specifically, while practicing on her Indiana compact license while working in the State of Kentucky, Respondent violated 848 Ind. Admin. Code 2-2-3(3) in that Respondent disregarded the rights to privacy and to confidentiality of her patients by disclosing their protected health information to the public by leaving information regarding their names, diagnoses, and medications in an unsecured trash receptacle.

REQUESTED RELIEF

ACCORDINGLY, Petitioner respectfully requests the Board issue an order against Respondent that:

- I. Imposes the appropriate disciplinary sanctions authorized by Ind. Code § 25-1-9-9;
- II. Directs Respondent to pay all of the costs incurred in the prosecution of this case, as authorized by Ind. Code § 25-1-9-15;
- III. Directs Respondent to pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Trust Fund pursuant to Ind. Code 4-6-14-10(b); and,
- IV. Provides any other relief the Board deems just and proper.

Respectfully submitted,

Office of the Indiana Attorney General

By:



Autumn R. Murphy
Deputy Attorney General
Atty. No.: 36914-53

OFFICE OF THE INDIANA ATTORNEY GENERAL

Licensing Enforcement
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770
Phone: (317) 232-2079
Fax: (317) 233-4393
Autumn.Murphy@atg.in.gov

CERTIFICATE OF SERVICE

I certify that a copy of the “Administrative Complaint” has been duly served upon those listed below, by United States mail, first-class, postage prepaid, on this 20th day of October, 2022.

Kaitlin Rice
2383 N. St. Rd. 3
Lexington, IN 47138



Autumn R. Murphy
Deputy Attorney General
Atty. No.: 36914-53

OFFICE OF THE INDIANA ATTORNEY GENERAL

Licensing Enforcement
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770
Phone: (317) 232-2079
Fax: (317) 233-4393
[Autumn.Murphy@atg.in.gov](mailto:Autumn.Murphy[atg.in.gov)