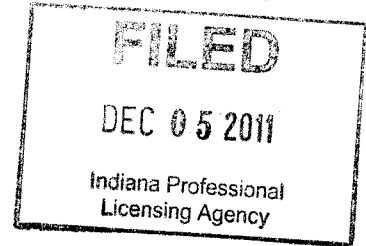


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2011 NB 532

IN THE MATTER OF THE LICENSE OF)
)
ELIZABETH M. RYE-BROOKS, L.P.N.)
)
LICENSE NO: 27053860A (Active))



COMPLAINT

This complaint is brought against the nursing license of Elizabeth M. Rye-Brooks, L.P.N. (“Respondent”), by the Office of the Attorney General, by counsel, Deputy Attorney General Mark E. Mader, 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, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.* and Ind. Code § 25-1-9-1 *et seq.* and in support alleges and states:

FACTS

1. Respondent’s address filed with the Indiana State Board of Nursing (“Board”) is 401 West Monroe Street, Alexandria, Indiana 46001. Respondent is a Licensed Practical Nurse (“L.P.N.”) in the State of Indiana having been issued license number 27053860A on May 20, 2004.
2. On November 13, 2009, Petitioner referred Respondent to the Indiana State Nurses Assistance Program (“ISNAP”) for testing positive for opiates on a for-cause UDS ordered by her employer, Meadowbrook Rehabilitation Center.
3. On November 13, 2009, Respondent initiated intake with ISNAP.
4. On February 23, 2010, Kevin R. Anderson, LCSW, Anderson Center - St. John's Health System, Anderson, Indiana, assessed Respondent and diagnosed her with opioid abuse.

5. On March 23, 2010, Respondent returned her ISNAP Recovery Monitoring Agreement ("RMA"). Respondent's RMA directed Respondent to do the following:

- a. practice total abstinence from alcohol and controlled substances. Total abstinence was defined as no use, whatsoever, of any amount or kind of alcohol, any illicit drug, any narcotics, any controlled substances (Schedule I-V drugs), some prescription medications, and other mood-altering substances, including the drug Tramadol;
- b. make no claim that the presence of drugs in her specimen resulted from the ingestion of food or food supplements (i.e. herbs, poppy seeds) and over-the-counter medications (i.e. cough syrup, mouth wash, cold remedies);
- c. take no mood-altering drug within 48 hours of her work shift and notify ISNAP if such substances are prescribed to her;
- d. follow and be bound by the terms and conditions of the "Participant Handbook";
- e. notify ISNAP immediately if she required medical attention requiring mood altering substances;
- f. have an identified worksite monitor in any place of employment that involves her nursing license or is a health care setting;
- g. get prior approval before changing her employment;
- h. participate in random urine drug screens through Witham Laboratory, Lebanon, Indiana, or as otherwise directed by ISNAP;
- i. have an INSPECT Report done by her addictionist every quarter and ensure that her addictionist submit a quarterly report with the INSPECT Report;
- j. participate in 12 Step and/or Nurse Support (Caduceus) meetings;

- k. submit monthly reports, along with her AA/NA logs by the 10th of each month for the previous month; and
 - l. ensure that her identified treating therapist(s), addictionist, worksite monitor, and RMA sponsor, will submit quarterly reports.
6. ISNAP set the length of Respondent's RMA for one (1) year.
 7. On November 1, 2011, Respondent submitted three (3) months of chain of custody documents for current compliance. ISNAP noted that Respondent faxed the same chain of custody document she had previously filed with the dates whited-out, changed and faxed. All of Respondent's chain of custody documents had the same lot numbers with identical donor and collector signatures. After reviewing Respondent's file, ISNAP determined Respondent had not completed any UDS's since November 10, 2010.
 8. On November 23, 2011, ISNAP decided to close Respondent's file for her dishonesty in forging the chain of custody documents for her UDS's, for obtaining Ambien and hydrocodone without notifying ISNAP, and referred her case closure to the Indiana Professional Licensing Agency and Petitioner.
 9. ISNAP is the monitoring system implemented by the Board to monitor impaired nurses in order to assure the public that nurses assessed with alcohol or drug addictions are not a threat to the public health and safety if the Board permits them to continue to practice nursing.
 10. Kevin R. Anderson diagnosed Respondent with opioid abuse. Respondent is an impaired nurse. Without a monitoring system in place, an impaired nurse is a threat to the public health and safety if permitted to practice nursing.

COUNT I

11. Allegations 1 through 10 are repeated and incorporated herein by reference.

12. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's diagnosis of impairment and her failure to successfully complete her ISNAP RMA which resulted in her case closure on November 23, 2011, for forging chain of chain of custody documents for her UDS's which resulted in Respondent not having had any UDS's since November 10, 2010.

COUNT II

13. Allegations 1 through 10 are repeated and incorporated herein by reference.

14. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although she has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondent's failure to comply with ISNAP program requirements that resulted in the termination of Respondent's participation in ISNAP in violation of 848 IAC 7-1-7.

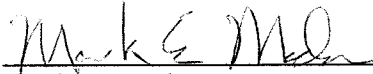
COUNT III

15. Allegations 1 through 10 are repeated and incorporated herein by reference.

16. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities as evidenced by Respondent's forging her chain of custody documents for her UDS's to make it appear like she had successfully completed them.

Respectfully submitted,

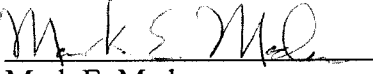
GREGORY F. ZOELLER
Attorney General of Indiana
Attorney No. 1958-98

By: 
Mark E. Mader
Deputy Attorney General
Attorney No. 8972-98

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been served upon Respondent by United States mail, first-class, postage prepaid, on this 5th day of December, 2011.

Elizabeth M. Rye-Brooks
401 West Monroe Street
Alexandria, Indiana 46001

By: 
Mark E. Mader
Deputy Attorney General

OFFICE OF THE INDIANA ATTORNEY GENERAL

Indiana Government Center South
402 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: 317-233-3972
Fax Number: 317-233-4393
Email: mmader@atg.in.gov