

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2010 NB 211

IN THE MATTER OF THE LICENSE OF)
)
CARLA ELAINE SCHICK, R.N.)
)
LICENSE NO: 28133229A)



COMPLAINT

This complaint is brought against the nursing license of Carla Elaine Schick, R.N. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, 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 et seq., 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 on file with the Indiana Professional Licensing Agency is 1626 Sycamore Court, Bloomington, Indiana 47401 and she is a Registered Nurse in the State of Indiana having been issued license number 28133229A in 1996.
2. On or around July 25, 2001, Respondent signed a Recovery Monitoring Agreement (RMA) with the Indiana State Nurses Assistance Program (ISNAP) after she diverted Demerol from her employer, Bloomington Hospital.
3. On or around October 5, 2001, Respondent signed a monitoring agreement with Bloomington Hospital.

4. On or around December 13, 2001, Respondent admitted to Bloomington Hospital that she forged prescriptions for Dilaudid and Demerol for her own personal use and then resigned.

5. On or around February 27, 2002, the Indiana State Board of Nursing (Board) summarily suspended Respondent's Indiana nursing license for ninety days based upon the previous facts.

6. On or around May 30, 2002, the Board approved a settlement agreement between the Petitioner and Respondent which placed Respondent's Indiana nursing license on probation for a minimum of one year.

7. On or around July 24, 2003, the Board lifted Respondent's probationary status after the Board found that Respondent had one year of compliance with her ISNAP RMA.

8. On or around August 1, 2003, Respondent completed an application for employment with Wishard Hospital in Indianapolis, Indiana and answered "no" to the question, "Have you ever been the subject of any adverse actions by any duly authorized sanctioning or disciplinary agency for either conduct based or performance based actions?"

9. On or around September 15, 2003, Respondent began her employment with Wishard Hospital.

10. On or around May 16, 2005, Respondent completed her ISNAP RMA.

11. On or around September 5, 2006, Respondent completed an application for employment with R.N. Specialties in Indianapolis, Indiana and answered "no" to the question, "Is there or has there ever been an action/pending against your license?"

12. In October 2006, Respondent began her employment with R.N.

Specialties.

13. On or around February 21, 2007, Respondent went "inactive" with R.N.

Specialties.

14. On or around November 3, 2007, Respondent withdrew 11 mg of Dilaudid from the medication dispenser at Wishard Hospital without a physician's order to do so. Wishard Hospital permitted Respondent the opportunity to resign in lieu of being terminated. Respondent then resigned.

15. On or around November 8, 2007, Respondent initiated intake with ISNAP after being referred by Wishard Hospital for diverting Dilaudid.

16. On or around November 9, 2007, Deb Cowdell, Center for Behavioral Health, assessed Respondent and diagnosed her with opiate dependence. Cowdell recommended to ISNAP that Respondent complete an intensive outpatient program (IOP). Respondent was instructed by ISNAP to taper off her use of hydrocodone, which Respondent stated she was prescribed.

17. On or around November 15, 2007, Dr. Rebecca Cohen, Respondent's primary care physician, informed ISNAP that she had Respondent sign a "one physician, one pharmacy" agreement since Respondent had been seeking medications from different sources.

18. On or around December 10, 2007, Respondent signed a second, three-year ISNAP RMA.

19. On or around December 17, 2007, Respondent informed ISNAP that she had a prescription for Darvocet for abdominal pain. Respondent was instructed to send a copy to ISNAP.

20. On or around December 20, 2007, ISNAP received the results of Respondent's December 13, 2007 urine drug screen which tested positive for nor-propoxyphene and propoxyphene (Darvocet). This was ruled a negative since Respondent had a documented prescription.

21. On or around January 8, 2008, Respondent informed ISNAP that her gastroenterologist, Dr. Prodyot Ghosh, prescribed her Vicodin and Phenergan. Respondent provided a copy of a prescription for hydrocodone to ISNAP.

22. On or around February 15, 2008, Respondent submitted to a urine drug screen and tested positive for hydrocodone. This was ruled a negative since Respondent had a documented prescription.

23. On or around March 6, 2008, Respondent submitted to a urine drug screen and tested positive for hydrocodone. This was ruled a negative since Respondent had a documented prescription.

24. On or around April 9, 2008, Respondent submitted to a urine drug screen and tested positive for hydrocodone. This was ruled a negative since Respondent had a documented prescription.

25. On or around April 22, 2008, Respondent was charged in Monroe County, Indiana Circuit Court with Obtaining a Controlled Substance by Fraud or Deceit, a Class D Felony, in Cause Number 53C09-0804-FD-00366, after it was discovered that Respondent assisted Nichole Thompson, L.P.N. in forging prescriptions for Lortab for

both herself and Thompson's personal use. Respondent admitted to a Bloomington Police Officer that she stole a prescription pad from Dr. Larry Ratts' office in Bloomington, Indiana and also forged prescriptions under the names of Drs. Benedict and Dohn. None of the prescriptions that Respondent reported to ISNAP were prescribed under these physicians' names.

26. On or around May 2, 2008, ISNAP's quarterly compliance report indicated that Respondent was in full compliance.

27. On or around June 10, 2008, Respondent submitted to a urine drug screen and tested positive for hydrocodone. This was ruled a negative since Respondent had a documented prescription; however, Respondent was asked by ISNAP about her continued use. Respondent stated that she had a small bowel obstruction and may need surgery.

28. On or around July 29, 2008, ISNAP's quarterly compliance report indicated that Respondent was in partial compliance because she did not submit her therapist or sponsor reports.

29. In August 2008, Respondent began working for R.N. Specialties again.

30. On or around August 1, 2008, Respondent informed ISNAP that she relapsed. Respondent stated that she took a position at R.N. Specialties without informing ISNAP or informing R.N. Specialties that she was in ISNAP. Respondent stated that she diverted narcotics. Respondent's therapist, Debbie Reutter, Centerstone, recommended day treatment and a stay at a recovery home.

31. On or around August 19, 2008, Respondent's therapist stated to ISNAP that she did not believe Respondent was serious about her recovery and that she

recommended in addition to the day treatment program and the recovery home that Respondent may need to stay at Richmond State Hospital.

32. Also, on or around August 19, 2008, R.N. Specialties discovered that Respondent removed six doses of hydromorphone (Dilaudid) from the medication dispenser for five patients at Johnson Memorial Hospital, where she was assigned to work, even though these five patients did not have an order for Dilaudid. Respondent also did not document that she administered the medication.

33. On or around August 20, 2008, ISNAP extended Respondent's RMA nine months due to her admitted relapse.

34. On or around August 21, 2008, R.N. Specialties terminated Respondent's employment after she diverted Dilaudid from Johnson Memorial Hospital.

35. On or around October 8, 2008, Respondent pled guilty to Obtaining a Controlled Substance by Fraud or Deceit, a Class A Misdemeanor, in Monroe Circuit Court. Respondent received a one year suspended sentence and one year of probation.

36. On or around October 31, 2008, ISNAP's quarterly compliance report indicated that Respondent was in partial compliance because she relapsed and missed one urine drug screen.

37. On or around November 11, 2008, Respondent completed an application for employment with Morgan Hospital and Medical Center (Morgan Hospital) in Martinsville, Indiana. Respondent answered "no" to the question, "Have you ever been arrested for, or convicted of a crime?"

38. On or around December 1, 2008, Respondent began her employment with Morgan Hospital.

39. On or around December 18, 2008, Morgan Hospital terminated Respondent's employment after it learned that Respondent failed to disclose her criminal conviction on her application for employment. Also, on this date, Respondent admitted to ISNAP that she relapsed on Vicodin, with her last use on December 13, 2008.

40. In December 2008, Respondent began her employment with Monroe Hospital in Bloomington, Indiana.

41. On or around January 5, 2009, ISNAP extended Respondent's RMA three months due to her admitted relapse.

42. On or around February 2, 2009, ISNAP's quarterly compliance indicated that Respondent was in partial compliance because she relapsed.

43. On or around March 27, 2009, Respondent's worksite monitor at Monroe Hospital reported to ISNAP that a patient's family member complained that Respondent was impaired. Respondent reportedly could not walk well, had trouble staying awake and improperly handled IVs. The worksite monitor also reported that they discovered Respondent withdrew Ativan from the medication dispenser that day more frequently than was ordered and Dilaudid the previous week. When asked what her birthday was Respondent gave her address. Respondent submitted to a urine drug screen and tested positive for benzodiazepines. As a result, Respondent's employment was terminated. Respondent was then contacted by ISNAP, but Respondent stated that she had no memory of these events.

44. On or around May 4, 2009, ISNAP's quarterly compliance report indicated that Respondent was in partial compliance because she missed one urine drug screen.

45. On or around May 15, 2009, ISNAP extended Respondent's RMA six months due to her relapse in March 2009 and required her to complete an IOP.

46. On or around July 17, 2009, ISNAP's quarterly compliance report indicated that Respondent was in full compliance.

47. On or around August 12, 2009, Respondent reported to ISNAP that she had surgery to remove a cyst and was given fentanyl and propofol for anesthesia and Lortab and alprazolam following the procedure. Respondent also submitted to a urine drug screen on this date and tested positive for hydrocodone; however, this was ruled a negative since Respondent had a prescription for Lortab.

48. On or around August 25, 2009, Respondent submitted to a urine drug screen and tested positive for hydrocodone. This was ruled a negative since she had a documented prescription.

49. On or around August 27, 2009, Respondent renewed her Indiana nursing license online and answered "no" to the questions, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" and "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?"

50. On or around September 8, 2009, Respondent submitted to a urine drug screen and tested positive for hydrocodone at 12,404 ng/mL. This was ruled a negative since she had a documented prescription, but the medical review officer noted that it was a "remarkably high test level."

51. On or around September 17, 2009, Respondent submitted to a urine drug screen and tested positive for benzodiazepines and hydrocodone at 14,233 ng/mL. This was ruled a negative since she had documented prescriptions for alprazolam and Lortab, but the medical review officer noted that it was a “remarkably high test level.”

52. On or around September 28, 2009, Respondent informed ISNAP that she was prescribed Valium by her gynecologist and that she had outpatient surgery today for a laser ablation and was prescribed Valium and Ultram. Respondent submitted copies of prescriptions for tramadol (Ultram) and diazepam (Valium).

53. On or around October 8, 2009, Respondent submitted to a urine drug screen and tested positive for benzodiazepines and hydrocodone. This was ruled a negative since Respondent had documented prescriptions.

54. On or around October 21, 2009, ISNAP’s quarterly compliance report indicated that Respondent was in partial compliance because she missed one urine drug screen. Also, on this date, ISNAP received the results of Respondent’s October 15, 2009 urine drug screen which was positive for tramadol. This was ruled a negative because she had a documented prescription.

55. On or around November 19, 2009, Respondent submitted to a urine drug screen and tested positive for tramadol at 55,035 ng/mL. This was ruled a negative because she had a documented prescription, but the medical review officer noted “remarkably high test level, raises a question of use in excess of instructions. Unable to contact donor.”

56. On or around January 14, 2010, Respondent submitted to a urine drug screen and tested positive for hydrocodone. This was ruled a negative since Respondent submitted a prescription for hydrocodone.

57. On or around February 9, 2010, ISNAP's quarterly compliance report indicated that Respondent was in partial compliance with her RMA because she missed one urine drug screen.

58. On or around April 30, 2010, ISNAP's quarterly compliance report indicated that Respondent was in partial compliance with her RMA because she missed two urine drug screens.

59. As of August 6, 2010, Respondent was still participating in an ISNAP RMA.

COUNT I

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowingly cooperated in material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose that her employment was terminated from R.N. Specialties and Morgan Hospital on her August 2009 online Indiana license renewal.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT II

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowingly cooperated in material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose that she was convicted of Obtaining a Controlled Substance by Fraud or Deceit on her August 2009 online Indiana license renewal.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT III

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as evidenced by Respondent's failure to disclose that her Indiana nursing license had been disciplined on her application for employment with Wishard Hospital in August 2003.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT IV

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as

evidenced by Respondent's failure to disclose that her Indiana nursing license had been disciplined on her application for employment with R.N. Specialties in September 2006.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT V

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as evidenced by Respondent's admission that she stole Dr. Ratts' prescription pad and forged prescriptions under his name and Drs. Benedict and Dohn's name.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT VI

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as evidenced by Respondent's failure to disclose that she had been convicted of Obtaining a Controlled Substance by Fraud or Deceit on her application for employment with Morgan Hospital in November 2008.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand,

probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT VII

1. Respondent violated Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on her ability to practice as evidenced by her guilty plea to Obtaining a Controlled Substance by Fraud or Deceit in October 2008.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT VIII

1. Respondent violated 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 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 Respondent's diversion of Dilaudid from Wishard Hospital in November 2007, her opiate dependence diagnosis, her continued use of controlled substances while in ISNAP, her criminal conviction for Obtaining a Controlled Substance by Fraud or Deceit, her diversion of Dilaudid from Johnson Memorial Hospital, her admitted relapse on Vicodin in December 2008, her positive urine drug screen for benzodiazepines at Monroe Hospital, her "remarkably high test levels" for hydrocodone on two urine drug screens in September 2009, her

“remarkably high test level” for tramadol on a urine drug screen in November 2009 and her continued partial compliance with her ISNAP RMA.

2. Respondent’s violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT IX

1. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend drug as evidenced by Respondent’s removal of Dilaudid from the medication dispenser at Wishard Hospital without a physician’s order to do so, her criminal conviction for Obtaining a Controlled Substance by Fraud or Deceit and her admission that she took Dilaudid from Johnson Memorial Hospital for her own personal use.

2. Respondent’s violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT X

1. Respondent violated Ind. Code § 25-1-9-4(a)(13) in that Respondent has assisted another person in committing an act that would be grounds for disciplinary sanctions under Ind. Code § 25-1-9 as evidenced by Respondent’s assistance to Nichole Thompson, L.P.N. with forging prescriptions under Dr. Ratts' name.

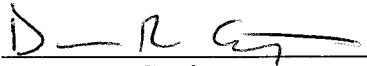
2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

WHEREFORE, Petitioner demands an order against the 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,

Gregory F. Zoeller
Attorney General of Indiana

By: 
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by United States mail, first-class, postage prepaid, on this 13th day of September, 2010.

Carla Schick
1626 Sycamore Court
Bloomington, IN 47401

By: D R Covington
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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