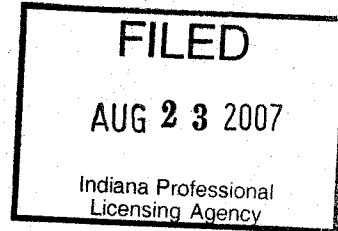


BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2007 NB 0001

STATE OF INDIANA,  
Petitioner,

v.

JANE FRANCES SCOTT, R.N.  
LICENSE NUMBER: 28075801A,  
Respondent.



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT,  
CONCLUSION OF LAW AND ORDER**

The Petitioner, the State of Indiana, by Deputy Attorney General Elizabeth E. Kiefner, Division of Consumer Protection (“Petitioner”), Respondent’s counsel John Sharpe, and the Respondent, Jane Frances Scott R.N., (“Respondent”), entered into a Settlement Agreement (“Agreement”) which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Board of Nursing (“Board”) regarding Respondent’s license, and which Agreement has been submitted to the Board for approval. The parties participated in a settlement conference with Board member Carolyn Slagle, R.N. prior to the presentation of the Agreement to the Board.

The Board, after reviewing the Agreement at the July 19, 2007 meeting, now finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 7-0-1. The Board hereby issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order:

## FINDINGS OF FACT

1. The Respondent's address on file with the Board is 3470 Tahoe Road, Carmel, Indiana, 46033, and she is a duly licensed registered nurse in the State of Indiana having been issued license number 28075801A.
2. From approximately 2000 to 2002, Respondent worked as a nurse for Dr. Gregory Chernoff ("Chernoff") at his practice in Indianapolis, Indiana.
3. Chernoff was out of the office approximately two (2) weeks out of each month practicing at a separate location in California. Chernoff authorized his staff to fill out prescriptions for controlled substances in all schedules and sign his name to the same in his absence.
4. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Restoril, 30 mg, a Schedule IV Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.
5. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Oxycontin, 40 mg, a Schedule II Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.
6. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Norco, 10mg, a Schedule III Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.
7. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Klonopin 1mg, a Schedule IV Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.
8. Respondent is not an "advanced practice nurse" as defined at 848 IAC 4-1-3.

9. Respondent is not authorized to prescribe medication as defined at 848 IAC 5-1-1.
10. Respondent is not authorized to issue prescriptions for controlled substances as defined at 21 C.F.R. § 1306.03.

### **CONCLUSIONS OF LAW**

1. Respondent is in violation of Indiana Code § 25-1-9-4(a)(4)(B) failure to keep abreast of current theory or practice to wit: 848 IAC 5-1-1 in that the Respondent issued four (4) prescriptions for Patient A on April 4, 2002 for controlled substances without proper authority under the law.

2. Respondent is in violation of Indiana Code § 25-1-9-4(a)(4)(B) failure to keep abreast of current theory or practice to wit: 21 C.F.R. § 1306.03 (a)(1) in that the Respondent issued four (4) prescriptions for controlled substances for Patient A on April 4, 2002 without proper authority under the law.

3. Respondent is in violation of Indiana Code § 25-1-9-4(a)(4)(B) failure to keep abreast of current theory or practice to wit: 848 IAC 2-2-1 functioning within the legal boundaries of nursing practice based on the knowledge of the statutes and rules governing nursing in that the Respondent wrote prescriptions for controlled substances without proper legal authority.

### **ULTIMATE FINDING OF FACT**

Respondent's violation is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed at Ind. Code §25-1-9-9.

## ORDER

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on January 2, 2007.

2. The parties executed this Agreement voluntarily.

3. Respondent and Petitioner voluntarily waived their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial appeal or review.

4. Petitioner agrees that the terms of this Agreement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against Respondent's license as indicated in the Complaint for the period between January 2007 and the date of the Final Order.

5. Respondent fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

6. Respondent shall abide by all terms of the Settlement Agreement which is attached hereto and incorporated herein as Exhibit "A". The parties agreed to a verbal addition to the terms of the Agreement as follows:

**Respondent will pay a fine in the amount of two hundred fifty (\$250.00) to the Indiana Professional Licensing Agency within ninety (90) days of the final order in this matter.**

7. Respondent further understands that failure to comply with the Board's order may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Indiana Code §

25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

8. The parties agree to the continuing jurisdiction of the Board.

So ORDERED, ADJUDGED, and DECREED, this 23<sup>rd</sup> day of August, 2007.

INDIANA STATE BOARD OF NURSING

By: Frances L. Kelly  
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

Copies to:

Jane Frances Scott  
3470 Tahoe Road  
Carmel, IN 46033

**CERTIFIED MAIL NUMBER: 7006 2760 0003 4663 4305**  
**RETURN RECEIPT REQUESTED**

Tammy Murray/John Sharpe  
Sommer Barnard  
1 Indiana Square, Suite 3500  
Indianapolis, IN 46204-2023

Elizabeth E. Kiefner, Deputy Attorney General  
Office of the Attorney General  
302 West Washington Street, Fifth Floor  
Indianapolis, Indiana 46204-2770

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2007 NB 0001

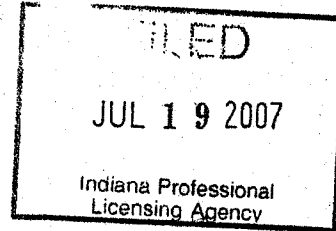
STATE OF INDIANA, )

Petitioner, )

v. )

JANE FRANCES SCOTT, R.N. )  
LICENSE NUMBER: 28075801A, )

Respondent. )



**PROPOSED SETTLEMENT AGREEMENT**

The Petitioner, the State of Indiana, by Elizabeth E. Kiefner, Deputy Attorney General, Consumer Protection Division ("Petitioner"), and Jane Frances Scott, R.N. ("Respondent"), by Counsel John Sharpe of Sommer Barnard hereby execute this Agreement to a disposition of the disciplinary complaint filed on January 2, 2007.

This Agreement is subject to the review and approval of the Indiana State Board of Nursing ("Board") pursuant to Indiana Code §25-26-13 et seq. and the Administrative Orders and Procedures Act, Indiana Code § 4-21.5-3 et seq.

**FACTS**

1. The Respondent's address on file with the Indiana State Board of Nursing ("Board") is 3470 Tahoe Road, Carmel, Indiana 46033 and she is a duly licensed Registered Nurse (RN) in the State of Indiana having been issued license number 28075801.

2. From approximately 2000 to 2002, Respondent worked as a nurse for Dr. Gregory Chernoff ("Chernoff") at his practice in Indianapolis, Indiana.

Exhibit A

3. Chernoff was out of the office approximately two (2) weeks out of each month practicing at a separate location in California. Chernoff authorized his staff to fill out prescriptions for controlled substances in all schedules and sign his name to the same in his absence.

4. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Restoril, 30 mg, a Schedule IV Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.

5. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Oxycontin, 40 mg, a Schedule II Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.

6. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Norco, 10mg, a Schedule III Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.

7. On or about April 4, 2002, Respondent filled out a hard copy prescription for Patient A for One Hundred (100) Klonopin 1mg, a Schedule IV Controlled Substance. At Chernoff's request, the Respondent signed Chernoff's name to the prescription.

8. Respondent is not an "advance practice nurse" as defined at 848 IAC 4-1-3.

9. Respondent is not authorized to prescribe medication as defined at 848 IAC 5-1-1.

10. Respondent is not authorized to issue prescriptions for controlled substances as defined at 21 C.F.R. § 1306.03.

### CONCLUSIONS OF LAW

1. Respondent is in violation of Indiana Code § 25-1-9-4(a)(4)(B) failure to keep abreast of current theory or practice to wit: 848 IAC 5-1-1 in that the Respondent issued four (4) prescriptions for Patient A on April 4, 2002 for controlled substances without proper authority under the law. .

2. Respondent is in violation of Indiana Code § 25-1-9-4(a)(4)(B) failure to keep abreast of current theory or practice to wit: 21 C.F.R. § 1306.03 (a)(1) in that the Respondent issued four (4) prescriptions for controlled substances for Patient A on April 4, 2002 without proper authority under the law. .

3. Respondent is in violation of Indiana Code § 25-1-9-4(a)(4)(B) failure to keep abreast of current theory or practice to wit: 848 IAC 2-2-1 functioning within the legal boundaries of nursing practice based on the knowledge of the statutes and rules governing nursing in that the Respondent wrote prescriptions for controlled substances without proper legal authority.

WHEREAS, this matter is set for an administrative hearing before the Board; and

WHEREAS, Respondent and Petitioner wish to resolve this matter prior to hearing and have reached a resolution;

## TERMS AND CONDITIONS

THEREFORE, both parties in this action agree to the following terms and conditions as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on January 2, 2007.

2. The parties execute this Agreement voluntarily.

3. Respondent and Petitioner voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial appeal or review.

4. Respondent has carefully read and examined this agreement and fully understand its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

5. The Respondent shall accept a **VERBAL CENSURE**

6. Respondent further understands that failure to comply with the Board's order may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

7. The parties agree to the continuing jurisdiction of the Board

7/19/07

Date

Elizabeth E. Kiefner

Elizabeth E. Kiefner

Deputy Attorney General

Attorney No. 24261-49

7/19/07

Date

John Sharpe

John Sharpe

Counsel for the Respondent

Attorney No. 1267-49

7/19/2007

Date

Jane Frances Scott R.N.

Jane Frances Scott, R.N.

Respondent

