

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2002 NB 023

STATE OF INDIANA,)
)
 Petitioner,)
)
 v.)
)
 MARSHA ANN SELKE,)
 License Number: 28090573A,)
)
 Respondent.)

FILED
MAY 31 2002
HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Indiana State Board of Nursing ("Board"), held an administrative hearing on May 16, 2002 in Room C of the Conference Center, Indiana Government Center South 302 West Washington Street, Indianapolis, Indiana, concerning a disciplinary complaint filed against Marsha Ann Selke, R.N. ("Respondent").

The State of Indiana was represented by Deputy Attorney General Shelley M. Johnson. The Respondent appeared in person and waived her right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. Respondent is a licensed Registered Nurse in the State of Indiana holding license number 28090573.
2. The Respondent's address is 2023 East County Road 500 North, Frankfort, Indiana 46041.
3. On or about December 7, 1987, Respondent became employed at Home Hospital, 2400, South Street, Lafayette, Indiana 47904.
4. On or about July 1, 2001, Judy Jones, R.N., telephoned Susan Buchanan, R.N.,

Exhibit A

Director of Perioperative Services, and stated that when Jones was on call on Saturday, June 30, 2001, when she counted the narcotics, two 5cc Fentanyl vials were missing from the drug count.

5. On or about June 29, 2001, July 3, 2001, and July 11, 2001, incidents involving missing or tampered with containers of Fentanyl occurred in the operating room. On each occasion, the Respondent was suspected as being the source of the problem.

6. On or about July 16, 2001, Dr. Lisch went to use a 5cc Fentanyl vial and the top was off of the vial. There appeared to be a sticky material on the top of the vial. The vial was sent to the lab to be tested to determine if the strength of the Fentanyl was correct. The testing could not determine the percentage of the drug but the drug was not the same. The material on the lid appeared to be a sticky, jelly like substance.

7. Based on the aforementioned events, permission was given by Human Resource Director Larry Strawser to drug test the employees in the operating room. Respondent consented to take a urine test, but refused to tell Ms. Susan Buchanan or Ms. Judy Clerget, R.N., Employee Health Nurse what medications she was taking.

8. Judy Clerget, R.N., asked to see Respondent's arms and hands. Clerget palpitated her anticubital areas and on the back of her hands. Clerget observed what appeared to be a recent bruise with a small amount of blood on the anterior aspect on one of Respondent's hands. Respondent stated her hand were injured and bruised from carrying sheet metal with her husband.

9. Susan Buchanan, Judy Clerget, and the Respondent proceeded into the female locker room for the urine test. Ms. Buchanan requested to see the inside of Respondent's locker.

10. Clerget requested to see the inside of Respondent's purse. Respondent

reached inside of her purse and produced a ¼" tourniquet and bottle of 20ml Diprovan with approximately 5-10cc of Diprovan remaining in the vial. Respondent stated, "Here, this is what you want." Respondent packed her belongings and left the hospital without completing the urine drug test. Respondent was terminated for stealing hospital property.

11. On or about January 31, 2002, Respondent was employed at Community North Hospital, 1500 N. Ritter Avenue, Indianapolis, Indiana 46219.

12. On or about January 31, 2002, Sanchetta Chambers, an employee of Community North Hospital went to use the restroom. She observed Respondent's hand fall under the stall wall. A bottle of Diprivan and a 10cc syringe fell to the floor.

13. Sanchetta Chambers attempted to squeeze under the stall door and could not get under to assist the Respondent.

14. Brandi Harper, R.N., an employee of Community North Hospital rushed into the bathroom. She knocked on the bathroom stall door and there was no answer. Ms. Harper slid under the bathroom stall door and found the Respondent sitting on the stall with a blank stare.

15. Ms. Harper asked the Respondent if she was okay and the Respondent did not answer. Ms. Harper searched the stall and found the Diprivan and the empty syringe. Ms. Harper asked what was in the syringe and Respondent stated that it was Diprivan. Respondent stated that she had injected 4 cc of the Diprivan in her right arm, which was covered in blood.

16. William Norman, Community Hospital North Security, interviewed the Respondent who stated that she had injected herself with 4cc of Diprivan in an attempt to relax and relieve her stress. She stated she had selected Diprivan because it was readily available and she did not have Pyxis access to any scheduled drugs.

17. A for cause drug test was administered to Respondent on or about January 31,

2002, by Employee Health Services. The Respondent tested positive for Morphine and Codeine.

18. Respondent testified during the hearing that she did not take any Fentanyl from Home Hospital and that she took the Diprivan because she was feeling suicidal.

19. Respondent also testified that she signed a contract with the Indiana State Nurses Assistance Program on May 1, 2002.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct constitutes violations of Indiana Code § 25-1-9 4(a)(8) in that Respondent has diverted a legend drug; Indiana Code § 25-1-9-4(a)(4) in that the practitioner has continued to practice although the practitioner 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 a practitioner's ability to practice safely.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana Registered Nurse license is placed upon **INDEFINITE PROBATION**. Respondent may not petition for withdrawal of probation for a period of one (1) year from the date of this Order.

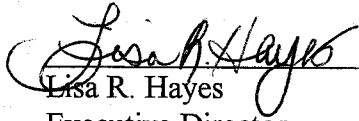
1. During the period that Respondent's license remains on probation, her practice of nursing shall be governed by the following **TERMS AND CONDITIONS**:

- (a) Respondent shall comply with all Terms and Conditions of her ISNAP contract;
- (b) The failure of the Respondent to comply with the terms of this order may subject her to a show cause hearing and the imposition of further sanctions.

SO ORDERED, this 31st day of May, 2002.

INDIANA STATE BOARD OF NURSING

By:



Lisa R. Hayes
Executive Director
Health Professions Bureau

Copies to:

Marsha Ann Selke, R.N.
2023 E. County Rd. 500 N.
Frankfort, IN 46041
CERTIFIED MAIL # 7000 1670 0003 0263 1000
RETURN RECEIPT REQUESTED

Indiana State Nurses Assistance Program
PRMC
P O Box 1630
Brighton, MI 48116

Deputy Attorney General Shelley M. Johnson
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
402 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770

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