

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2019 NB 0099

IN THE MATTER OF THE LICENSE OF)
)
MISTY RACHELLE SNITCHLER, L.P.N.)
)
LICENSE NO: 27054635A)

FILED

JUL 02 2021

Indiana Professional
Licensing Agency

PETITION FOR SUMMARY SUSPENSION

The State of Indiana, by Deputy Attorney General, Whitney N. Cooper, moves the Indiana State Board of Nursing ("Board") to suspend the Indiana nursing license of Misty Snitchler, L.P.N. ("Respondent") for (90) days, and in support of its Petition, Petitioner states the following:

1. Respondent is a Licensed Practical Nurse ("LPN") in the State of Indiana, having been granted LPN License Number 27054635A on or about October 8, 2004, by the Board.
2. Respondent's address on file with the Board is 102 West 850 North, Valparaiso, Indiana 46385.
3. This Board has jurisdiction to suspend Respondent's license in accordance with Ind. Code ch. 4-21.5-4 *et seq.* and Ind. Code § 25-1-9-10.
4. In September 2014, Respondent's license was placed on indefinite probation under cause number 2013NB0205 based on Respondent having committed renewal fraud, being convicted of crimes that are harmful to the public (specifically, Operating a Vehicle While Intoxicated and Criminal Mischief), and continuing to practice despite becoming unfit to practice due to her addiction/abuse/dependency on drugs or alcohol. Among other things, Respondent was ordered to maintain complete compliance with a Recovery Monitoring

Agreement ("RMA") through the Indiana State Nurses Assistance Program ("ISNAP") for one (1) year prior to petitioning for the withdrawal of probation.

5. On December 17, 2015, the probation of Respondent's license was withdrawn by the Board.
6. In August 2018, Respondent applied for nursing employment at Addison Pointe Health and Rehabilitation Center ("Addison Pointe") in Chesterton, Indiana. When asked on the application if she had been "convicted of any other type of crime [that was not directly related to the health care field], or entered a plea of guilty or no contest to a crime," Respondent marked "No." Respondent should have answered affirmatively that she had been convicted of Criminal Mischief and Operating a Vehicle While Intoxicated.
7. On or about August 31, 2018, Respondent began employment as a LPN at Addison Pointe.
8. On December 16, 2018, Respondent was suspended by Addison Pointe while the facility investigated her for possible diversion of controlled substances. The investigation determined that between November 2, 2018, and December 14, 2018, Respondent repeatedly documented removing as-needed ("PRN") medications for residents that she never documented administering to the residents. In many of these instances, Respondent was not assigned to care for the patients for whom she had documented removing PRN medications.
9. At the conclusion of the investigation, Addison Pointe reported to the Drug Enforcement Administration that Respondent was responsible for the misappropriation of the following substances:
 - a. Sixteen (16) oxycodone/acetaminophen 7.5/325mg tablets;
 - b. Nine (9) tramadol HCL 50mg tablets;

- c. Forty (40) hydrocodone/acetaminophen 7.5/325mg tablets;
- d. Forty-nine (49) hydrocodone/acetaminophen 5/325mg tablets;
- e. Twenty-seven (27) hydrocodone/acetaminophen 10/325mg tablets.

10. On December 14, 2018, Respondent's employment at Addison Pointe was terminated for "suspected narcotic diversion with evidence per pharmacy report as well as video surveillance."

11. In an electronic communication to Petitioner on January 22, 2019, regarding her employment at Addison Pointe, Respondent wrote, in pertinent part, "As per the complaint, I misappropriated and utilized [controlled substances] for personal use in an attempt to manage an undiagnosed substance use disorder."

12. Ind. Code § 16-18-2-199 defines a legend drug as a drug that is:

- i. subject to 21 U.S.C. 353(b)(1); or
- ii. listed in the Prescription Drug Product List as:
 - a. published in the United States Department of Health and Human Services, Approved Drug Products with Therapeutic Equivalence Evaluations, Tenth Edition, (1990); and
 - b. revised in United States Department of Health and Human Services, Approved Drug Products with Therapeutic Equivalence Evaluations, Cumulative Supplement to the Tenth Edition, Number 10 (1990).

13. From March 21, 2019 until December 12, 2019, Respondent's license was summarily suspended by the Board related to the foregoing issues.

14. At a hearing before the Board on March 21, 2019, Respondent testified she broke her clavicle in 2018 which caused her to again abuse opioids, including convincing a prescriber with whom she was familiar to write her numerous opioid prescriptions. Respondent also admitted she practiced nursing under the influence of controlled substance while employed at Addison Pointe.

15. A Final Hearing on this matter is scheduled for July 15, 2021, with the Board.
16. On or about March 19, 2019, Respondent entered into a five-year RMA with ISNAP. Prior to officially entering into the RMA, ISNAP recommended and Respondent completed residential treatment for opioid use disorder – severe, probable benzodiazepine use disorder, and untreated mental health issues.
17. From June 18 until June 27, 2021, Respondent did not check-in through Affinity as required by her RMA. Respondent has also missed drug screens required by ISNAP on June 4, 2021, June 18, 2021, and June 30, 2021.
18. On July 1, 2021, Respondent requested to withdraw from ISNAP, and on the same date, Respondent was discharged from ISNAP.
19. Based on the foregoing, Respondent presents a clear and immediate danger to the public health and safety if allowed to continue practice nursing.

WHEREFORE, the State of Indiana requests that this Board set a hearing on this petition for summary suspension and suspend Respondent's license for a period of ninety (90) days and for all other proper relief.

Respectfully submitted,

Theodore E. Rokita
Indiana Attorney General
Attorney No. 18857-49



By:

Whitney N. Cooper
Deputy Attorney General
Attorney Number: 30305-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Petition" has been served upon the individual listed below, by United States mail, first class postage prepaid, on this 2nd day of July, 2021, and that an attempt was made via telephone call to Respondent's number on file with the Board to notify Respondent of the hearing date.

Misty Snitchler
102 West 850 North
Valparaiso, Indiana 46385



Whitney N. Cooper
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Attorney Number: 30305-49

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