

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
Paul D. Swartz, LPN)
License Number: 27041236A)
)
Respondent.)

APR 14 2004
HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana, by counsel, Deputy Attorney General Steven P. Douglas, on behalf of the Office of the Attorney General (“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.*, files this Complaint against the Licensed Practical Nurse license of Paul D. Swartz, LPN (“Respondent”), and in support thereof alleges and states:

FACTS

1. The Respondent’s address is 128 Triple Jay Drive, Lafayette, IN 47905, and he is an active and duly licensed Licensed Practical Nurse in the State of Indiana having been issued license number 27041236A.

2. On or about June 27, 2002, Respondent worked at the Indiana Veterans Home (“IVH”) as a Licensed Practical Nurse. Respondent was responsible for the care of members D.S. and M.F.

3. At approximately 1:00 a.m., Respondent gave Member M.F. a shot containing Hydrocodone. Member M.F. did not have a valid physician's order for Hydrocodone. Respondent took the Hydrocodone from Member D.S.'s supply and administered it to Member M.F.

4. Respondent knowingly indicated on Member D.S.'s medical record that he had administered the medication to Member D.S. when Respondent had, in fact, administered the medication to Member M.F.

5. Respondent's shift ended at 7:00 a.m. on June 28, 2002. At approximately 6:00 a.m., Lisa Watkins, Respondent's relief nurse came onto the Unit. Respondent failed to tell Watkins that he had mistakenly given Member M.F. Hydrocodone that had belonged to Member D.S.

6. IVH conducted an investigation into the incident involving Respondent. Respondent admitted to the medication error and also admitted that he was aware of IVH's policies and practices where medication errors were concerned. When asked why he did not take responsibility for his actions, Respondent replied that he knew it was a "screw-up" and that he would be in trouble. Respondent stated, "I wanted it to all go away."

COUNT I

7. Averments 1 through 6 are repeated and incorporated by reference herein.

8. The above conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that

Respondent knowingly violated any state statute or rule, to wit: 848 I.A.C. 2-3-3(6) falsifying, omitting or destroying documentation of nursing actions on the official patient/client record.

9. Respondent's failure to comply with the above referenced standards 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 and IND. CODE § 25-23-1-7.

COUNT II

10. Averments 1 through 9 are repeated and incorporated by reference herein.

11. The above conduct constitutes a violation of IND. CODE § 25-1-9-4(a)(4)(B) in that Respondent has failed to keep abreast of current professional theory or practice in not reporting the medication error.

12. Respondent's failure to comply with the above referenced standards 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 and IND. CODE § 25-23-1-7.

COUNT III

13. Averments 1 through 12 are repeated and incorporated by reference herein.

14. The above conduct constitutes 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 for falsifying the patients' records of both M.F. and D.S.

15. Respondent's failure to comply with the above referenced standards 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 and IND. CODE § 25-23-1-7.

COUNT IV

16. Averments 1 through 15 are repeated and incorporated by reference herein.

17. The above conduct constitutes a violation of 848 IAC 2-3-3(1) in that Respondent has used unsafe judgment in providing nursing care.

18. Respondent's failure to comply with the above referenced standards 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 and IND. CODE § 25-23-1-7.

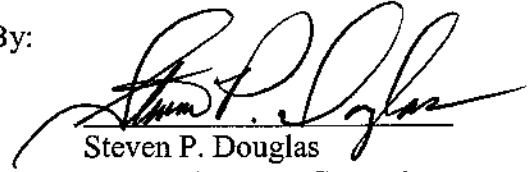
WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this cause of action; and
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Steve Carter,
Attorney General of Indiana

By:

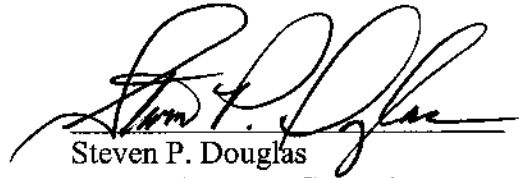
A handwritten signature in black ink, appearing to read "Steven P. Douglas", written over a horizontal line.

Steven P. Douglas
Deputy Attorney General
Indiana Atty. No. 24154-53

CERIFICATE OF SERVICE

I hereby certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United States Mail, First Class, postage prepaid, on this 14th day of April, 2004.

Paul D. Swartz, LPN
128 Triple Jay Drive
Lafayette, IN 47905



Steven P. Douglas
Deputy Attorney General
Attorney No. 24154-53

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