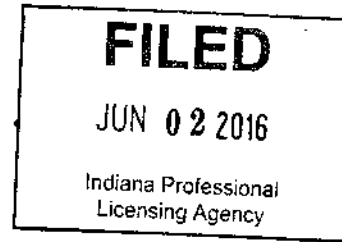


BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2016 NB 241

IN THE MATTER OF THE LICENSE OF: )  
 )  
DIANA HAMMAR, R.N., )  
 )  
LICENSE NO: 28154349A (ACTIVE) )



**COMPLAINT**

The State of Indiana (Petitioner), by counsel, Deputy Attorney General Amanda R. Elizondo, on behalf of the Office of the Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Complaint against the Indiana nursing license of Diana Hammar, R.N. (Respondent), and in support alleges and states the following:

**FACTS**

1. Respondent is a Registered Nurse ("R.N.") in the State of Indiana, having been granted R.N. License Number 28154349A on July 22, 2002 by the Indiana State Board of Nursing ("Board").
2. Respondent's address on file with the Board is 1121 Maple Stream Drive, Indianapolis, Indiana 46217.
3. On or around August 11, 2014, Respondent began employment as a R.N. at Community Rehabilitation Hospital ("Community") located in Indianapolis, Indiana.
4. On or around November 12, 2014, Community Pharmacist Carol Hertel reported discrepancies in narcotic information in a Pyxis machine and filed a pharmacy discrepancy report. An investigation of the Pyxis machine showed as missing: twenty one (21) tablets of oxycodone,

three (3) tablets of suboxone, and ten (10) tablets of morphine. The machine also showed that Respondent ordered the above medication and subsequently did a "cancelled remove".

5. On or around November 12, 2014, an investigation of a Pyxis machine showed that medications originally labeled as oxycodone, morphine, and suboxone had been removed and replaced with equal numbers of pilocarpine (used to treat dry mouth and glaucoma), decadron (allergy medication), or loratadine (allergy medication).

6. On or around November 12, 2014, a review of the Pyxis machine showed discrepancy in the pill counts of pilocarpine, decadron, and loratadine that matched the missing oxycodone, morphine, and suboxone, all of which had been accessed by Respondent.

7. On or around November 15, 2014, Community Health Network Investigations Manager, Vickie Endicott ("Endicott"), interviewed Respondent concerning suspected narcotics diversion. Initially, Respondent refused to admit wrongdoing. After the Respondent was confronted with the findings of the investigation against her, Respondent admitted to diverting narcotics from a Pyxis machine and replacing them with allergy medication and Tylenol, which the Respondent recognized was potentially harmful to patients. Respondent agreed to empty her purse, in which empty narcotics packaging was discovered. Respondent also admitted to an addiction to opioids and regular use of marijuana. Respondent began to cry during, and after the interview, and expressed concern that "everyone is going to know what she did."

8. On or around November 17, 2014, Endicott contacted the Indiana State Nurses Assistance Program ("ISNAP") program director, Chuck Linquist, concerning the Respondent. On the same day, Respondent made contact with ISNAP.

9. On or around December 1, 2014, Respondent was terminated from Community Rehabilitation Hospital due to violation of the Drug-Free Workplace Policy, having tested positive for Marijuana, Morphine, and Suboxone.

10. On or around December 18, 2014, Respondent was diagnosed with alcohol and THC abuse, and with severe opioid abuse in conjunction with her enrollment in ISNAP.

11. On or around January 8, 2015, Respondent returned a Recovery Monitoring Agreement ("RMA") to ISNAP. The RMA required sixteen (16) urine drug screens per year, no access to narcotics, treatment in intensive outpatient drug rehabilitation, twelve (12) meetings per month with a sponsor, and care from an addictionist.

12. On or around January 15, 2015, Respondent was charged with seven (7) counts of Possession of a Narcotic Drug, a level six (6) felony, 8 (eight) counts of Theft, a class A misdemeanor, and one (1) count of Possession of a Controlled Substance, a class A misdemeanor, under Cause No. 49G14-1501-F6-001230 in the Marion County Superior Court. The charges stemmed from allegations that Respondent diverted controlled substances from patients at Community Rehabilitation Hospital between October 31, 2014 and November 12, 2014.

13. On or around April 8, 2015, Respondent completed intensive outpatient rehabilitation.

14. On or around July 15, 2015, Respondent plead guilty to one (1) count of Possession of a Narcotic Drug, a class A misdemeanor, and one (1) count of Theft, a class A misdemeanor, under Cause No. 49G14-1501 in the Marion County Superior Court. Respondent was sentenced to three hundred sixty five (365) days in the department of corrections, which was suspended. Respondent was also placed on probation for three hundred sixty five days (365), was required to

submit to a substance abuse evaluation, and submit to random drug testing for the probationary period.

15. As of March 11, 2016, Respondent is fully compliant with her ISNAP RMA.

#### VIOLATION I

16. Paragraphs 1 through 16 are hereby incorporated by reference herein.

17. Respondent's conduct violated 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 or activities as evidenced by Respondent's admission that she concealed diverted medication by replacing narcotics with other medication in the Pyxis machine.

#### VIOLATION II

18. Paragraphs 1 through 16 are hereby incorporated by reference herein.

19. Respondent's conduct 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 practitioner's ability to continue to practice competently as evidenced by Respondent's conviction of Possession of a Narcotic Drug and of Theft under Cause Number 49G14-1501-F6-001230.

#### VIOLATION III

20. Paragraphs 1 through 16 are hereby incorporated by reference herein.

21. Respondent's conduct violated Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated any state statute or rule regulating nursing as evidenced by her violation of 848 IAC 2-2-3(1); specifically, Respondent used unsafe judgment as evidenced by Respondent's replacement of narcotic medication with different types of medications in the Pyxis machine, which could have had harmful results when given to patients.

#### VIOLATION IV

22. Paragraphs 1 through 16 are hereby incorporated by reference herein.

23. Respondent's conduct violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although Respondent has become unfit to practice due to an 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 as evidenced by Respondent's admission to a drug addiction, and diagnosis with alcohol and THC abuse and severe opioid use.

#### VIOLATION V

24. Paragraphs 1 through 16 are hereby incorporated by reference herein.

25. Respondent's conduct violated Ind. Code § 25-1-9-4(a)(8)(A) in the Respondent has diverted a legend drug as evidenced by Respondent's admitted diversion of controlled substances from her employer, Community Rehabilitation Hospital.

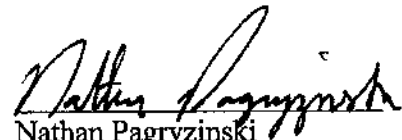
**WHEREFORE**, Petitioner demands an order against Respondent that:

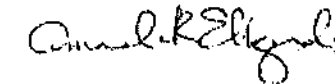
1. Imposes the appropriate disciplinary sanctions;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Greg Zoeller  
Attorney General of Indiana  
Attorney No. 1958-98

By:

  
Nathan Pagryzinski  
Certified Legal Intern



Amanda R. Elizondo  
Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing "Petition for Summary Suspension" has been served upon the individual listed below, by UPS, first class postage prepaid, on this 2<sup>nd</sup> day of June, 2016.

Diana Hammar, R.N.  
1121 Maple Stream Dr.  
Indianapolis, Indiana 46217

Lorie A. Brown  
Counsel for Respondent  
6214 Broadway Street  
Indianapolis, IN 46220



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