

Employment at University

5. On or around March 2017, Respondent was hired as a registered nurse at Indiana University Health University Hospital ("University") located in Indianapolis, Indiana.

6. On or about September 15, 2017, Respondent was suspended from, and subsequently terminated from, University due to medication documentation errors after an internal investigation determined that:

- a. Respondent had removed Oxycodone and Hydrocodone from storage using her unique fingerprint or assigned login, without documenting wasting or administration of such medication 138 times between April 7, 2017 and September 14, 2017; and
- b. Respondent admitted that she had participated in ISNAP in the past, and had relapsed.

Criminal Charges

7. On January 17, 2018, Respondent was charged in Marion County, Indiana, with one (1) count of Obtaining a Controlled Substance by Fraud or Deceit, a Level Six (6) Felony, and one (1) count of Possession of a Narcotic Drug, a Level Six (6) Felony under cause number 49G25-1801-F6-001671, based upon her conduct at University, described in Paragraph 6 above.

8. On November 19, 2018, Respondent plead guilty to Obtaining a Controlled Substance by Fraud or Deceit, a Level 6 Felony, and was sentenced as a Class A misdemeanor, pursuant to alternative misdemeanor sentencing ("AMS") in cause number 49G25-1801-F6-001671. She was sentenced to 365 days, with 363 days suspended to probation.

ISNAP

9. Respondent re-enrolled in ISNAP in September 2017. She was diagnosed with opioid use disorder.

10. Respondent entered into a three (3) year Recovery Monitoring Agreement in October, 2017, and has been compliant ever since.

11. Respondent has been summarily suspended since November 21, 2017.

VIOLATIONS

12. By Respondent's conduct in removing Oxycodone and/or Hydrocodone, at University without authority to do so, and without documenting any administration or wasting of such medication 138 times between April and September 2017, Respondent diverted prescription drugs for her own or another's use, in violation of 848 IAC 2-2-3(11), and is subject to discipline pursuant to Ind. Code § 25-1-9-4(a)(8)(A) and Ind. Code § 25-1-9-4(a)(3).

13. By Respondent's conduct in diverting from her employer, University, Oxycodone and/or Hydrocodone, for her own use, when she did not have a prescription for such medication, and being diagnosed with opioid use disorder, Respondent continued to practice though she was unfit to do so due to her addiction to, abuse of, or severe dependency upon alcohol or other drugs that endangered the public by imparting her ability to practice safely, and is subject to discipline pursuant to Ind. Code § 25-1-9-4(a)(4)(D).

14. By Respondent's conviction of Obtaining a Controlled Substance by Fraud or Deceit, a Level 6 Felony, though sentenced as a Class A Misdemeanor, Respondent has been convicted of a crime that has a direct bearing on her ability to continue to practice competently and is harmful to the public, subjecting her discipline pursuant to Ind. Code § 25-1-9-4(a)(2)(a) and (b).

ACCORDINGLY, Petitioner requests that the Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code § 25-1-9;
2. Imposes an appropriate disciplinary sanction;
3. Directs the Respondent to immediately pay all cost incurred in the prosecution of this case; and
4. Provides any further relief that the Board deems just and proper.

Respectfully submitted,

CURTIS T. HILL, JR.
Attorney General of Indiana
Atty. No. 13999-20

By: /s/ Benjamin J. Shoptaw
Benjamin J. Shoptaw
Deputy Attorney General
Atty. No. 35362-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Administrative Complaint" has been sent to the following individuals by first-class United States mail, on February 18, 2019.

Shelly Smith
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Columbus, IN 47201

Richie D. Hailey
Counsel for Respondent
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/s/Benjamin J. Shoptaw
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