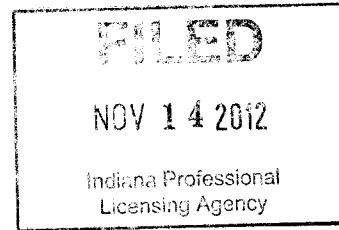


BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2012 NB 177

IN THE MATTER OF THE LICENSE OF: )  
PHYLLIS ANN UNGERANK, L.P.N., )  
LICENSE NO: 27060469A )  
VALID TO PRACTICEWHILE REVIEWED )



COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General Patricia Gibson, 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 Phyllis Ann Ungerank, L.P.N., ("Respondent"), and in support alleges and states the following:

FACTS

1. Respondent is a Licensed Practical Nurse ("LPN") in the State of Indiana having been issued license number 27060469A on October 9, 2007. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 6621 West Johnson Road, La Porte, Indiana 46350.
2. On or about July 30, 2011, Respondent was employed as a LPN at Wittenberg Village ("Wittenberg"), located in Crown Point, Indiana.
3. On or about October 7, 2011, an audit revealed Respondent had cared for Residents A-E and the following medications could not be accounted for:
  - a. Resident A: Twenty-four (24) hydrocodone and he did not have a narcotic drug sheet completed. Resident A has been discharged from the facility.
  - b. Resident B: 2.5ml of morphine and twenty-seven (27) Ativan pills. Resident has been discharged from the facility.
  - c. Resident C: Seven (7) Tylenol 3 pills signed for on the controlled drug receipt/record disposition form. The medication was not listed on the medication administration record as being given to Resident C.

- d. Resident D: Morphine sulfate, 15.5 cc's, signed out by Respondent.
- e. Resident E: Morphine sulfate, 1cc, and also morphine sulfate, 5cc's, with no second signature on the destruction sheet. Resident E complained several weeks earlier that her morphine sulfate was "just water."

4. On or about October 10, 2011, Respondent's employment with Wittenberg was terminated for failure to follow narcotic policy destruction. Wittenberg could not substantiate whether Respondent removed the medication from the facility.

5. On or about October 12, 2011, Respondent applied for employment as a LPN with Corizon Medical. On her application, Respondent stated her reason for leaving Wittenberg was "Need change."

6. On or about October 24, 2011, Responder was employed by Corizon Medical as a LPN and was assigned to the Indiana State Prison located in Michigan City, Indiana.

7. On or about March 18, 2012, at approximately 8:00 P.M., a correctional officer assigned to check staff entering the prison searched Respondent's personal bag. The officer found a large object wrapped in black duct tape hidden inside a state brown paper towel. The package contained approximately two hundred (200) grams of marijuana.

8. On or about March 18, 2012, Respondent claimed her ex-husband placed the marijuana in her bag.

9. On or about March 19, 2012, Respondent's employment with Corizon Medical was terminated.

10. On or about March 20, 2012 Respondent was charged with Attempted Trafficking, Class C Felony; Possession of Marijuana, Class D Felony; Possession Marijuana Class A Misdemeanor; and two counts of Resisting Law Enforcement, Class A Misdemeanor in La Porte County, Cause Number 46D02-1203-FC-008.

11. On or about May 16, 2012, Respondent entered into a six (6) month recovery monitoring agreement (“RMA”) with the Indiana State Nurses Assistance Program (“ISNAP”). Dr. Stanley Lelek, M.D., determined Respondent did not have a substance abuse disorder.

12. On or about September 11, 2012, Respondent pled guilty and was convicted of one count of Possession of Marijuana, Class A Misdemeanor; and one count of Resisting Law Enforcement, Class A Misdemeanor; in Cause Number 46D02-1203-FC-008. Respondent’s sentence was suspended and Respondent placed on probation for two (2) years.

13. On or about October 13, 2012, Respondent renewed her Indiana nursing license and answered “Yes” to “Since you last renewed, have you ever been terminated, reprimanded, disciplined, or demoted in the scope of your practice as a Nurse or as another health care professional?”. In her positive response submitted to IPLA, Respondent admitted being terminated from Corizon and a job in Munster, Indiana. Respondent failed to disclose she was terminated from Wittenberg.

#### **COUNT I**

14. Paragraphs 1 through 13 are incorporated by reference herein.

15. Respondent’s conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by her termination from Wittenberg for improper narcotic destruction and unaccounted for narcotics.

#### **COUNT II**

16. Paragraphs 1 through 13 are incorporated by reference herein.

17. Respondent's conduct as described above 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 or activities as evidenced by informing Corizon Medical she left Wittenberg because she needed a change, failing to disclose her termination.

**COUNT III**

18. Paragraphs 1 through 13 are incorporated by reference herein.

19. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(2)(A) & (B) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently and is harmful to the public as evidenced by her convictions for Possession of Marijuana, and Resisting Law Enforcement in Cause Number 46D02-1203-FC-008.

**COUNT IV**

20. Paragraphs 1 through 13 are incorporated by reference herein.

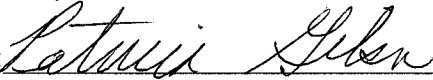
21. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice as evidenced by Respondent's failure to inform IPLA of her Wittenberg termination.

**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 case; and;
3. Provides any further relief as the Board deems just and proper.

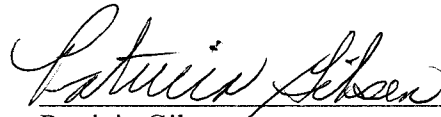
Respectfully submitted,

GREGORY F. ZOELLER  
Attorney General of Indiana  
Attorney Number: 1958-98

By:   
Patricia Gibson  
Deputy Attorney General  
Attorney Number: 12011-49

**CERTIFICATE OF SERVICE**

I 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 14<sup>th</sup> day of November, 2012.

  
Patricia Gibson  
Deputy Attorney General

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