

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
BETH ANN VISCHE,)
License Number: 27032707,)
)
Respondent.)

FILED

OCT 18 2000

HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Karen Freeman-Wilson, Attorney General of Indiana by Deputy Attorney General Georgeanna Orlich, pursuant to Indiana Code § 25-1-7-7(a) files its Complaint against the Indiana license to practice nursing of Beth Ann Vische ("Respondent"), and in support alleges and states:

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Indiana State Board of Nursing ("Board") pursuant to Indiana Code § 25-1-7 et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of nursing pursuant to Indiana Code § 25-23-1-7.

3. The Board is empowered to hold disciplinary hearings pursuant to the authority of Indiana Code § 4-21.5-3 et seq.

4. The Office of the Indiana Attorney General, Division of Consumer Protection received a signed consumer complaint on this matter on or about November 23, 1999. The Division of Consumer Protection conducted a preliminary investigation as to the merits of the

complaint, pursuant to Indiana Code § 25-1-7-5(1), and submitted this matter to the Board on May 17, 2000. The Board referred this matter back to the Division of Consumer Protection to permit investigation and prosecution on June 12, 2000. A report was made to the Attorney General by the Direction of Consumer Protection recommending charges against the Respondent's license on October 17, 2000, pursuant to Indiana Code § 25-1-7-7.

COUNT I

1. The Respondent address is 7825 N. Tecumseh, Walkerton, IN 46574 and she is a duly licensed practical nurse in the State of Indiana having been issued license number 27032707.

2. On or about December 11, 1998, Officer Daniel Anderson of the Starke County Police Department arrested Respondent for Driving While Suspended. Respondent was taken to Starke County Jail where routine inventory of her purse was completed. Among the items found in Respondent's purse were Healthwin Specialized Care health records for Lois Owicki, prescription pills, and no evidence of a valid prescription. Officer Anderson contacted the Starke County Tactical Narcotic Team to further investigate the drugs.

3. On or about December 12, 1998, Officer Anthony Walters of the Starke County Tactical Narcotic Team took the pills found in Respondent's purse to Lisa Rice at CVS Pharmacy in Knox. Ms. Rice informed Officer Walters that (a) the pills were Propoxyphene and Acetaminophen, generic Darvocet, which is a schedule IV substance, and Meclizine, generic for Antivert, which is a legend drug; and (b) the drugs appeared to be free sample packages that require a doctor's prescription.

4. Officer Walters also spoke with Debbie Marval, manager at Healthwin Specialized Care, and Gale Johnston, nursing director at Healthwin. Ms. Marval and Ms. Johnston both

informed Officer Walters that no employee of Healthwin is authorized to possess patient records or prescription medications outside the facility.

5. On September 8, 1999, a Starke County jury found Respondent guilty of the crimes of Theft and Possession of a Legend Drug, both Class D Felonies.

6. On October 22, 1999, Respondent was sentenced to the Indiana Department of Correction for a period of eighteen (18) months for each conviction with time served concurrently without fine but with court costs together with the \$2.00 jury fee, a \$500.00 Drug Abuse Interdiction Fee and a \$300.00 pauper counsel fee. The Court suspended twelve (12) months of the sentences and ordered Respondent to serve the remaining six (6) months at the Starke County Jail with one-half of the sentence served on home detention. Respondent was placed on probation for a period of twelve (12) months from date of release upon usual probation terms and conditions and ordered to pay the Probation office an initial probation user's fee of \$100.00 with \$15.00 per monthly fee for the probationary period.

7. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(2) as Respondent has been convicted of a crime that has a direct bearing on her ability to continue to practice competently; the conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(8) as Respondent has diverted a Legend drug (as defined in IC 16-18-2-199).

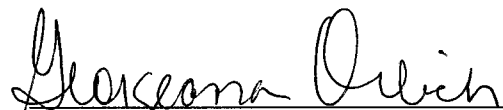
WHEREFORE, Petitioner demands an order against the Respondent that:

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,

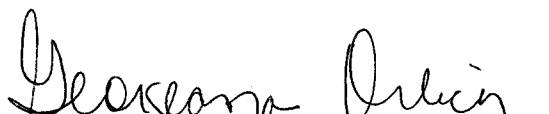
Karen Freeman-Wilson,
Attorney General of Indiana

By: 
Georgeanna Orlich
Deputy Attorney General
Attorney Number: 15626-45-B

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 18th day of October, 2000.

Beth Ann Vische, L.P.N.
7825 N. Tecumseh
Walkerton, Indiana 46574


Georgeanna Orlich
Deputy Attorney General

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