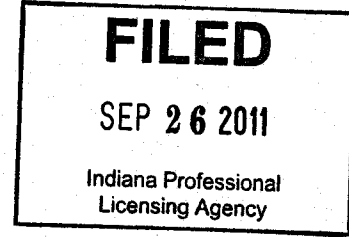


IN THE MATTER OF THE LICENSE OF:)
)
RENEE DAWN WAGLER, R.N.,)
)
LICENSE NO: 28133778A. (Expired))



COMPLAINT

The State of Indiana (Petitioner), by counsel, Deputy Attorney General David A. Fleischhacker, 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 Renee Dawn Wagler, R.N. (Respondent), and in support alleges and states the following:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 1112 Southeast 11th Street, Washington, Indiana 47501. Respondent is a Registered Nurse in the State of Indiana having been issued license number 28133778A in July 1996. Respondent's license expired in October 2009.
2. In September 2004, Respondent began treatment at Pain Management Center of Southern Indiana (PMCSI). Respondent had a variety of ailments that included degenerative joint disease, Radiculitis coexisting with facet syndrome, and chronic neck and back pain. Respondent is regularly prescribed controlled substances to manage her pain.
3. In July 2007, Respondent began seeing Dr. Greg Masimore at PMCSI for pain management.

4. On or about December 10, 2008, Respondent began employment at Golden Living Center (Golden) located in Petersburg, Indiana.

5. On or about August 7, 2009, a licensed practical nurse (L.P.N.) took over for Respondent at the end of Respondent's shift at Golden. The LPN noted when conducting the narcotic count that a patient, the L.P.N.'s mother, had received a dose of Lortab the night before. The L.P.N. questioned Respondent about the dose and Respondent explained that the patient had woken up in back pain the night before and was given Lortab by Respondent to help her sleep. When the L.P.N. asked the patient about the incident, the patient had no recollection of the incident and thought she had slept soundly through the night. The L.P.N. informed the Director of Nursing Services at Golden of what had occurred.

6. On or about August 8, 2009, Golden administrative staff interviewed Respondent about the incident with the patient and suspended Respondent's employment while they conducted an investigation. They instructed Respondent to provide Golden with her prescription medication bottles, present to the facility a historical accounting of all narcotic medications dispensed to her between January 1, 2009, and August 8, 2009, and to submit to a drug test. Golden then reviewed Respondent's charts and discovered a pattern of increased Lortab administration around the dates Respondent was due for a pain medication refill. They also discovered there was a lack of documentation of a change in condition in Respondent's patients at the time of the increased administration of medication, as well as a lack of any follow up with the patients who had allegedly received the medication.

7. On or about August 20, 2009, Respondent went to Golden to pick up her payroll check. Golden staff observed Respondent to have slurred speech, glazed eyes, and an unsteady gait. It was their opinion that Respondent was impaired.

8. On or about August 28, 2009, Respondent arrived two hours late at Golden for a meeting with administrators. Respondent again appeared impaired, and Golden terminated her employment for suspected drug diversion stemming from the incident on August 7, 2009.

9. On or about October 12, 2009, Respondent called the Indiana State Nurses Assistance Program (ISNAP) to begin the intake process.

10. On or about October 29, 2009, ISNAP received an assessment of Respondent from Dr. James C. Macke. Dr. Macke did not diagnose Respondent with a substance abuse disorder, but did note that Respondent was on three different medications (Lortab, Soma, and Lyrica) that cause issues for individuals with addictive disorders. Dr. Macke stated he would defer to Respondent's treating physicians for suitable nursing employment and how to monitor her.

11. On or about October 30, 2009, ISNAP reviewed Dr. Macke's assessment of Respondent and recommended a one (1) year recovery monitoring agreement (RMA).

12. On or about November 12, 2009, ISNAP received a letter from Dr. Greg Masimore, Respondent's pain management specialist. Dr. Masimore stated Respondent had not significantly infringed upon their narcotics use plan and had not manifested any significant departure from their narcotic contract. He further stated Respondent would continue to need an opioid analgesic regimen to control her pain.

13. On or about November 16, 2009, ISNAP sent a letter to Respondent informing her that she would need to respond by November 23, 2009, to inform ISNAP of her intentions to taper off usage of controlled substances or ISNAP would close her file.

14. On or about December 23, 2009, ISNAP closed Respondent's file for failing to enter into a RMA.

COUNT I

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

16. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although she has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondent regularly failing to correctly chart her administration of pain medication to Golden residents or her follow up with them after administering the medication; falsifying, omitting, or destroying documentation of nursing actions on the official patient/client record is considered unprofessional conduct pursuant to 848 IAC 2-2-3(6).

COUNT II

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

18. Respondent violated Ind. Code § 25-1-9-4(a)(4)(C) in that Respondent has continued to practice although she has become unfit to practice due to physical or mental disability as evidenced by Respondent's degenerative joint disorder causing her need for pain management therapy and an inability to taper off the use of narcotic pain pills to enter the ISNAP program.

COUNT III

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

20. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to 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 inability to taper off of controlled substances to enter an RMA with ISNAP, pattern of withdrawing more Lortab from

Golden near the end of prescriptions and not documenting increased pain medication need from patients, and impaired appearance at Golden on multiple occasions.

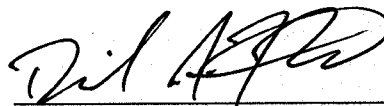
WHEREFORE, Petitioner demands an order against Respondent that:

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 No. 1958-98

By:



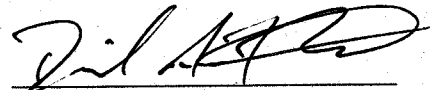
David A. Fleischhacker
Deputy Attorney General
Attorney No. 28563-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon Respondent, by
United States mail, first-class, postage prepaid, on this 26th day of SEPTEMBER, 2011.

Renee Dawn Wagler, R.N.
1112 Southeast 11th Street
Washington, IN 47501

By:



David A. Fleischhacker
Deputy Attorney General
Attorney No. 28563-49

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