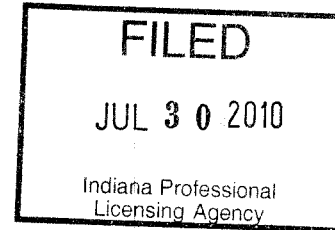


BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2010 NB 176

IN THE MATTER OF THE LICENSE OF)
)
JENNIFER JO ZEINNER, L.P.N., R.N.)
)
LICENSE NO: 27053090A, 28182276A)



COMPLAINT

This complaint is brought against the nursing license of Jennifer Jo Zeinner, L.P.N., R.N. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code § 25-23-1-7 et seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9-1 et seq. and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 6115 North Dearborn, Guilford, Indiana 47022 and she is a Registered Nurse in the State of Indiana having been issued license number 28182276A in 2008. Respondent was also issued Licensed Practical Nurse license 27053090A in 2003, which expired in 2008.
2. On or around May 7, 2008, Respondent was issued an Ohio nursing license.
3. In April 2009, Respondent completed an application for employment with Brookville Healthcare Center in Brookville, Indiana. Respondent answered "no" to the question, "Have you ever been discharged from any position?"

4. On or around May 5, 2009, Respondent began her employment with Brookville Healthcare Center.

5. On or around June 21, 2009, Respondent submitted to two observed urine drug screens at Brookville Health Center after management received reports that Respondent's behavior was "erratic" at work. One sample was negative and another sample was positive for methadone and oxycodone. It is not known why the two samples produced two different results. Since Respondent had one positive urine drug screen, her employment was suspended; however, Respondent never returned to the facility.

6. On or around July 8, 2009, Brookville Health Center referred Respondent to the Indiana State Nurses Assistance Program (ISNAP).

7. On or around July 21, 2009, ISNAP contacted Respondent. Respondent stated that she had a history of pain withdrawal from using hydrocodone, which she stated she took for many years due to chronic back pain. Respondent also stated that she had been prescribed Xanax in the past too.

8. On or around September 21, 2009, ISNAP closed Respondent's file after Respondent failed to obtain a substance abuse assessment.

9. On or around October 1, 2009, the Ohio Board of Nursing (Ohio Board) suspended Respondent's Ohio nursing license for a minimum of one year. The Ohio Board found that Respondent, while employed as a nurse at Mercy Hospital Mt. Airy, in Cincinnati, Ohio, on or around September 5, 2008, was observed falling asleep while charting at a desk. Respondent submitted to a urine drug screen and tested positive for benzodiazepines and opiates. Respondent did not provide a copy of a valid prescription

for these drugs. It was also found that Respondent's charting was at times illegible on September 5, 2008.

10. The Ohio Board found that Respondent's conduct violated the following Ohio Statutes:

- a. Ohio Revised Code (ORC) 4723.28(B)(8), self-administering or otherwise taking into the body any dangerous drug . . . in any way not in accordance with a legal, valid prescription issued for that individual;
- b. ORC 4723.28(B)(10), impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice;
- c. Ohio Administrative Code (OAC) Rule 4723-4-06(E), a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations, the care provided by the nurse for the client, and the client's response to that care; and,
- d. OAC Rule 4723-4-06(H), a licensed nurse shall implement measures to promote a safe environment for each client.

11. On or around October 31, 2009, Respondent's Indiana Registered Nurse license expired.

12. On or around April 15, 2010, Respondent renewed her Indiana Registered Nurse license online and answered "no" to the questions, "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?" and "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?"

13. On or around May 20, 2010, Respondent was scheduled to make a personal appearance before the Indiana State Board of Nursing (Board) after the Board learned that Respondent's Ohio nursing license was disciplined and she failed to report it on her renewal. Respondent did not appear and her license renewal was denied.

COUNT I

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in material deception in order to obtain a license to practice as evidenced by her failure to disclose that her Ohio nursing license was disciplined in October 2009 on her April 2010 online Indiana nursing license renewal.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT II

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in material deception in order to obtain a license to practice as evidenced by her failure to disclose that her employment was terminated from Mercy Hospital Mt. Airy and that she was suspended at Brookville Health Center on her April 2010 online Indiana nursing license renewal.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand,

probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT III

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in material deception in the course of professional services or activities as evidenced by her failure to disclose that her employment was terminated from Mercy Hospital Mt. Airy on her application for employment with Brookville Healthcare Center.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

COUNT IV

1. Respondent violated Ind. Code § 25-1-9-4(a)(7) in that Respondent has had disciplinary action taken against her license to practice in Ohio on grounds similar to Ind. Code § 25-1-9-4(a)(4)(D) as evidenced by the fact that Respondent's Ohio nursing license was suspended, in part, due to Respondent's violation of ORC 4723.28(B)(8), self-administering or otherwise taking into the body any dangerous drug . . . in any way not in accordance with a legal, valid prescription issued for that individual and ORC 4723.28(B)(10), impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice.

2. Respondent's violation of Indiana law is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand,

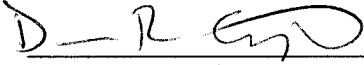
probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

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

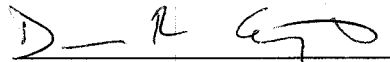
By: 
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by United States mail, first-class, postage prepaid, on this 30th day of July, 2010.

Jennifer Zeinner
6115 North Dearborn
Guilford, IN 47022

By:



Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

OFFICE OF THE INDIANA ATTORNEY GENERAL

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