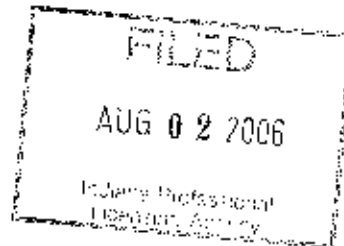


BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2006 NB 0065

STATE OF INDIANA, )  
)  
Petitioner, )  
)  
v. )  
)  
MICHELLE B. TEJERA, L.P.N. )  
LICENSE NUMBER: 27052112, )  
)  
Respondent. )  
)



**COMPLAINT**

The State of Indiana, by counsel, Deputy Attorney General, Laura E. Wilford, on behalf of the Office of the Attorney General ("Petitioner"), and pursuant to Indiana 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., files its Complaint against the Licensed Practical Nurse license of Michelle B. Tejera, L.P.N. ("Respondent"), and in support alleges and states:

**FACTS**

1. The Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 5431 Dollar Forge Court, Indianapolis, IN 46221 and she is a duly licensed Licensed Practical Nurse in the State of Indiana having been issued license number 27052112.
2. On or around October 8, 1999, Respondent was arrested in Vigo County Indiana for Possession of Marijuana in an amount less than 30 grams
3. On or around December 11, 1999, Respondent was arrested in Vigo County Indiana for Operating a Vehicle While Intoxicated.

4. On or around January 20, 2000, Respondent was convicted in Vigo County, Indiana of Operating While Intoxicated, a Class A Misdemeanor and Possession of Marijuana, a Class A Misdemeanor. Respondent was sentenced to one year in Vigo County Jail, suspended and sentenced to 363 days of informal probation. Respondent was also sentenced to Home Detention for 90 days under the Supervision of the Vigo County Community Corrections Programs. Respondent's driver's license was also suspended.

5. On or around October 7, 2000, Respondent was arrested in Morgan County Indiana for Operating a Vehicle While Intoxicated and Possession of Marijuana.

6. On or around August 10, 2001, Respondent was convicted in Morgan County, Indiana of Operating While Intoxicated with a Prior Conviction, a D Felony and Reckless Possession of Paraphernalia, a Class A Misdemeanor. Respondent was sentenced to 1 year in Morgan County Jail, suspended except for 30 days in Morgan County Jail and 70 days on Home Detention. Respondent was also sentenced to 1 year of probation. Respondent's drivers license was also suspended. Respondent's sentence specified that upon successful completion of probation, her D Felony would be dropped to a Class A Misdemeanor.

7. On or around September 17, 2002, Respondent's D Felony conviction of Operating While Intoxicated with a Prior Conviction was dropped to a Class A Misdemeanor.

8. On or around March 21, 2003, Respondent was issued a probationary nursing license by the Indiana State Board of Nursing ("Board").

9. On or around April 1, 2003, Respondent entered into a five-year Recovery Monitoring Agreement with the Indiana State Nurses Assistance Program ("ISNAP"). Respondent had reported to the Board that she had two DUI convictions and an evaluation by Dr. Richard Hinchman confirmed an alcohol dependence diagnosis.

10. On or around December 2, 2003, Respondent's Indiana nursing license was taken off probation.

11. On or around May 7, 2004, Respondent's ISNAP quarterly report indicated that she had missed a urine drug screen ("UDS").

12. On or around August 16, 2004, Respondent's ISNAP quarterly report indicated the Respondent had missed two UDS and had not submitted her addictionist report.

13. On or around November 8, 2004, Respondent began employment as a licensed practical nurse at Regency Place of Greenwood ("Regency") located in Greenwood, IN.

14. On or around November 17, 2004, Respondent's ISNAP quarterly report indicated that the Respondent had not registered with Compass Vision, Inc. for UDS and that she missed her last appointment with her addictionist.

15. On or around February 23, 2005, Respondent's UDS was positive for benzodiazepines. Respondent denied use and ISNAP referred her to Dr. Hinchman. Dr. Hinchman recommended increased frequency of UDS.

16. On or around February 28, 2005, Respondent was verbally counseled by Regency staff for failure to pull or administer insulin for a patient on February 25<sup>th</sup> and for failure to complete topical treatment of dressing changes for a patient on February 25<sup>th</sup> or 24<sup>th</sup>.

17. On or around June 16, 2005, Respondent's UDS was positive for benzodiazepines and cocaine. Respondent stated that she used an old prescription for Xanax but denied using cocaine. Dr. Hinchman recommended that Respondent attend more meetings and that she contact her sponsor.

18. On or around August 16, 2005, Respondent's UDS was positive for cocaine. ISNAP referred the Respondent to Dr. Hinchman for re-assessment.

19. On or around August 16, 2005, Regency suspended the Respondent's employment pending investigation into Respondent's positive UDS for ISNAP.

20. On or around August 25, 2005, Respondent's employment with Regency was terminated due to Respondent's violation of Regency's drug free workplace policy. Regency noted that the Respondent had a positive UDS on June 16, 2005 for benzodiazepines and a positive UDS on August 16, 2005 for cocaine metabolite.

21. On or around September 6, 2005, ISNAP received Dr. Hinchman's assessment. Dr. Hinchman recommended Intensive Outpatient Program ("IOP") and she was referred to the Hamilton Center.

22. On or around October 13, 2005, Respondent's ISNAP quarterly report indicated that she was non-compliant in that she had missed two UDS.

23. On or around November 8, 2005, Dr. Hinchman informed ISNAP that the Respondent had missed her scheduled appointment.

24. On or around January 20, 2006, Respondent admitted to ISNAP that she had missed several UDS due to finances. ISNAP requested that the Respondent send in documentation from the Hamilton Center verifying that she was in IOP.

25. On or around February 13, 2006, Respondent's ISNAP quarterly report indicated that she had missed four UDS and that she had not submitted an addictionist report.

26. On or around April 14, 2006, ISNAP informed the Respondent via correspondence that she was in non-compliance with ISNAP.

27. On or around May 2, 2006, Respondent began employment as a nurse at Harborside Healthcare ("Harborside") located at 8201 West Washington Street, Indianapolis, IN 46231.

28. On or around May 9, 2006, ISNAP closed the Respondent's file with ISNAP due to significant non-compliance.

29. On or around May 24, 2006, the Board issued an Order placing the Respondent's Indiana nursing license on 90 days Summary Suspension.

30. On or around July 12, 2006, Harborside staff received information that the Respondent's Indiana nursing license had been summarily suspended.

31. On or around July 13, 2006, Respondent arrived at Harborside to collect her pay check. When questioned about the status of her license, the Respondent stated she would go home and get it fixed and call the Director of Nursing.

32. On or around July 26, 2006, Shelja St. Pierre, the Director of Nursing from Harborside sent correspondence to the IPLA informing them that the Respondent had been actively employed as a nurse at Harborside since May 2, 2006 but her employment ceased once Harborside discovered that the Respondent's license had been suspended. Harborside also informed IPLA that the Respondent's employment with Harborside has since been terminated.

### COUNT I

1. Respondent violated Indiana Code §25-1-9-4(a)(4)(D) in that the 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 her ability to practice safely as evidenced by Respondent's alcohol dependence diagnosis, two convictions of Operating a Vehicle While Intoxicated, her conviction for Possession of Marijuana, three positive urine drug screens, and her non-compliance with ISNAP.

2. Respondent's failure to comply with the above referenced standards 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 Indiana Code §25-1-9-4(a)(1)(B) in that the Respondent engaged in fraud or material deception in the course of professional services or activities as evidenced by her failure to disclose to her employer that her nursing license had been summarily suspended and her failure to cease working as a nurse in Indiana once her license had been summarily suspended.

2. Respondent's failure to comply with the above referenced standards 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.

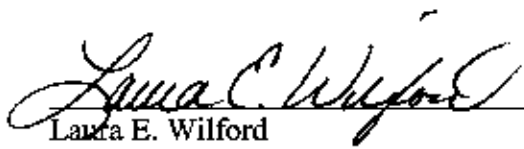
**WHEREFORE**, Petitioner demands an order against the Respondent that:

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,

Steve Carter,  
Attorney General of Indiana

By:

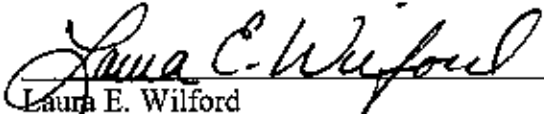


Laura E. Wilford  
Deputy Attorney General  
Attorney No.: 24446-49

**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 2<sup>nd</sup> day of August, 2006.

Michelle B. Tejera, L.P.N.  
5431 Dollar Forge Court  
Indianapolis, IN 46221

  
Laura E. Wilford  
Deputy Attorney General  
Attorney No.: 24446-49

**OFFICE OF THE ATTORNEY GENERAL**  
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