

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2004 NB 0049

STATE OF INDIANA,)
)
 Petitioner,)
)
 v.)
)
 DELTONA TIBBETS-FIGLIOLA, R.N., N.P.)
 License Number: 28157832 & 71001589,)
)
 Respondent.)

FILED
OCT 20 2004
HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana, by counsel, Deputy Attorney General, Sara R. Matticks, 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 registered nurse and nurse practitioner licenses of Deltona Tibbets-Figliola, R.N., N.P. (“Respondent”), and in support alleges and states:

COUNT I

1. The Respondent’s address on file with the Board is 4052 Stonington Road, Orleans, Indiana 47452 and she is a duly licensed registered nurse and nurse practitioner in the State of Indiana having been issued license numbers 28157832 & 71001589.
2. On or about June 10, 2003, Respondent applied for licensure with prescriptive authority as an advanced practice nurse in the state of Indiana.
3. Respondent failed to reveal on the application that she had been licensed in several states including New York, Virginia, Arkansas and Missouri.

4. Respondent failed to reveal on the application all prior nursing employment and that she had been terminated from employment as a nurse practitioner or advanced practice nurse in the state of Virginia.

5. Respondent stated on her application she received a bachelor of science in nursing degree from Maryville College in May 1994 and a master of science in nursing from Vanderbilt University in July 1997. Maryville College does not have a bachelor of science program and Respondent's only professional nursing degree was issued by Vanderbilt in 1997.

6. Respondent has submitted a resume to the Board and prospective employers claiming she received a Ph.D. in nursing from the University of Washington in Seattle in 1998. Respondent also testified under oath on August 26, 2004, that she has a Ph.D. and submitted a "certificate" to the Board asserting she holds such a degree. Respondent was not awarded a Ph. D. from the University of Washington.

7. Respondent's resume also falsely states respondent has a bachelor of science in nursing from Arizona State University. Respondent has no such degree.

8. Respondent's resume also falsely states respondent was employed as an "office nurse" in pediatric clinic from 1990 to 1994 when Respondent had no license or degree in nursing until August 1997.

9. Respondent submitted a sworn affidavit to the Board, through her counsel, falsely stating she has been a registered nurse since 1990.

10. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(A), engaging in or knowingly cooperating in fraud or material deception in obtaining a license to practice.

COUNT II

11. Respondent submitted an "Advanced Practice Agreement" to the Indiana State Board of Nursing on July 1, 2003, and a second agreement on July 28, 2003. Respondent has failed to comply with the terms of the Advanced Practice Agreement.

12. Respondent worked as a nurse practitioner at the Pain Management Center of Southern Indiana in Jasper Indiana through January 2004.

13. Respondent's charts were not reviewed pursuant to her Advanced Practice Agreement but Respondent continued to practice without the required supervision.

14. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(3) in that Respondent knowingly violated a state statute or rule regulating the profession, to wit: Indiana Code § 25-23-1-19.4 Respondent failed to practice in collaboration with a licensed practitioner.

COUNT III-VII

15. Respondent's charts were finally reviewed by a licensed physician in January 2004. The review revealed Respondent failed to chart home visits for patients and improperly billed the visits as office visits on multiple occasions.

16. Respondent did not bill one patient for visits stating she would permit the patient's husband to refinish some furniture for Respondent in trade for the medical treatment. Respondent had no authority to trade the clinics services.

17. Respondent provided a patient with injections for pain in the parking lot of a local drugstore and improperly billed and charted injections for the same patient.

18. Respondent exhibited incomplete and poor charting in numerous charts including failure to document the location of trigger point injections and sterile procedures.

19. Respondent failed to keep copies of prescriptions in charts.
20. Respondent injected a patient with sterile water instead of pain medication.
21. Respondent ordered an office assistant/CNA to perform duties she was not licensed, trained or qualified to perform such as give injections to patients.
22. Respondent provided a prescription for a legend drug to a minor child for "hyperactivity." The child was not a patient at the clinic and Respondent performed no physical examination and did not review any medical history.
23. Respondent provided a prescription for Methadone in an attempt to treat a patient for addiction to narcotics. The patient died of an overdose two days after receiving the methadone. The clinic was not licensed as a "Methadone clinic" and Respondent's attempted treatment was not within the scope of her practice.
24. Respondent held herself out to the public as a physician in various ways including having prescription pads and excuse slips printed with the name "Dr. Deltona Tibbets", presenting stickers to child patients Referencing "Dr. Deltona", and telling patients she was a "doctor."
25. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B), engaging in fraud or material deception in the course of professional services.
26. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(C) advertising services in a false or misleading manner.
27. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(9), knowingly prescribing, selling or administering any drug classified as a narcotic, addicting or dangerous to a habitue or addict.

28. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(3) in that Respondent knowingly violated a state statute or rule regulating the profession, to wit: Indiana Code § 25-1-9-6.8 (b) prescribing a stimulant medication for the treatment of attention deficit or hyperactivity disorder without following the guidelines for the diagnosis and evaluation of a child with attention deficit/hyperactivity disorder.

29. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(3) in that Respondent knowingly violated a state statute or rule regulating the profession, to wit: Indiana Code § 25-23-1-19.6(2) prescribing legend drugs outside the scope of her practice.

30. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(3) in that Respondent knowingly violated a state statute or rule regulating the profession, to wit: IAC 848 2-2-3(1) using unsafe judgment or technical skills.

31. Respondent's conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(3) in that Respondent knowingly violated a state statute or rule regulating the profession, to wit: IAC 848 2-2-3(8) delegating nursing care, functions, tasks, or responsibility to others when the nurse knows or should know that such delegation is to the detriment of patient safety.

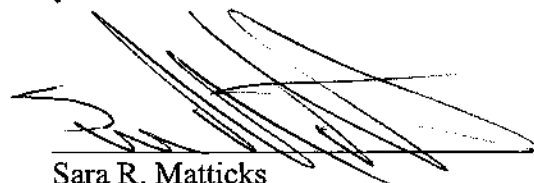
WHEREFORE, Petitioner demands an order against the Respondent that:

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:

A handwritten signature in black ink, appearing to read 'Sara R. Matticks', written over a horizontal line.

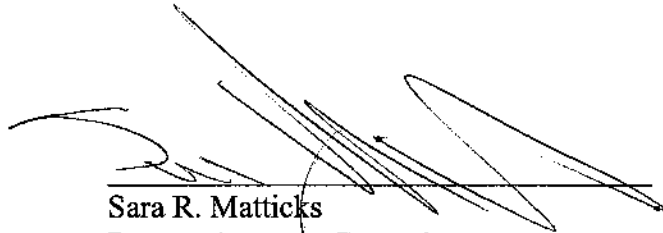
Sara R. Matticks
Deputy Attorney General
Attorney No.: 16964-49

SRM/ydh:143262

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the person(s) listed below, by United States mail, first-class, postage prepaid, on this 20th day of October, 2004.

Cynthia Marcus, Esq.
MARCUS LAW FIRM
11978 Fishers Crossing Drive
Fishers, IN 46038



Sara R. Matticks
Deputy Attorney General

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