

**BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2011 NB 340**

**IN THE MATTER OF THE LICENSE OF )  
 )  
JANET LOUISE WINTERROWD, L.P.N. )  
 )  
LICENSE NO: 27030604 (ACTIVE) )**



**COMPLAINT**

This complaint is brought against the licensed practical nursing license of Janet Louise Winterrowd, L.P.N., (“Respondent”), by the Office of the Attorney General, by counsel, Deputy Attorney General Patricia Gibson on behalf of the State of Indiana (“Petitioner”) and pursuant to Indiana Code §25-1-7-7, Ind. Code ch. 25-1-5-3, 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 and in support alleges and states:

**FACTS**

1. Respondent is a Licensed Practical Nurse (“LPN”) in the State of Indiana having been issued license number 27030604A on June 2, 1989. Respondent’s address on file with the Indiana Professional Licensing Agency is 4133 East 16<sup>th</sup> Street, Indianapolis, Indiana, 46201.
2. On or about May 15, 2000, Respondent was convicted of Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor, in St. Joseph County, Indiana, under cause number 71-DO1-0004-CM-02842. She was sentenced to 365 days in jail, suspended.
3. On or about May 24, 2007, Respondent began employment as a LPN at Covered Bridge Health Campus (“Covered Bridge”) located in Seymour, Indiana.

4. On or about September 14, 2007, Respondent gave pain medications two hours early, a pain patch was discovered missing on her shift, and Respondent wrote "Discontinued" on a lab book without a physician's order. Respondent was notified further medications errors may result in final written warning.

5. On or about February 17, 2007, Respondent committed another medication error concerning whether or not Coumadin was discontinued pending a resident's tests.

6. On or about February 20, 2008, Respondent's employment with Covered Bridge was involuntarily terminated due to violations of company policy.

7. On or about March 3, 2008, Respondent submitted an employment application to Accessible Staffing, located in Indianapolis, Indiana. Respondent answered "Facility Politics" as her reason for leaving Covered Bridge, rather than her termination of February 20, 2008.

8. On or about May 17, 2008, Respondent submitted an employment application to The Waters of Indianapolis ("The Waters"), located in Indianapolis, Indiana. Respondent answered "Pay rate" as her reason for leaving Covered Bridge, rather than her termination of February 20, 2008.

9. On or about May 20, 2008, Respondent began employment as a LPN at The Waters.

10. On or about June 23, 2008, Respondent drove her car on Interstate 65, crashed into a concrete median, bounced back into traffic and continued heading northbound. Respondent had glassy bloodshot eyes, slurred speech and smelled of alcohol. Respondent tested .211% BrAC on the scene.

11. On or about June 25, 2008, Respondent was charged with one (1) count of Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor and one

(1) count of Operating a Vehicle While Intoxicated, a Class C Misdemeanor, in Johnson County, Indiana, under cause number 41D030806-CM-00782.

12. On or about September 25, 2008, Respondent pled guilty to Operating a Vehicle While Intoxicated Endangering a Person, cause number 41D030806-CM-00782, and was sentenced to five (5) days in jail with one (1) actual day credit, a nominal fine, and 360 days on probation. The court dismissed the remaining charge. The terms of probation required Respondent to perform forty (40) hours of community services, attend the Victim Impact Panel through AAID, and her driver's license was suspended for ninety (90) days.

13. On or about October 3, 2008, Respondent renewed her Indiana nursing license online. Respondent answered "No" to all questions including question three (3) which asks, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Respondent also answered "No" to question five (5) which asks, "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?"

14. On or about June 27, 2009, while working at The Waters, Respondent prevented Resident A from entering her room by closing Resident A's door and pushing Resident A away from her door. Respondent also moved her body in front of the door, placed her right foot on Resident A's wheelchair seat, and tried to push Resident A backwards. Respondent prevented Resident A from holding another nurse's hand by grabbing Resident A's hand and saying loudly to Resident A, "Stop it!"

15. On or about June 29, 2009, Respondent's employment with The Waters was suspended pending investigation of the reported incident.

16. On or about July 1, 2009, The Water's administrator made several unsuccessful attempts to contact Respondent to schedule a meeting concerning Respondent's suspension. Respondent failed to cooperate and did not attend a meeting to discuss the incident.

17. On or about July 1, 2009, Respondent's employment with The Waters was terminated due to Respondent's failure to meet with administrators regarding her suspension.

18. On or about July 2, 2009, Respondent was formally notified by U.S. registered mail that her employment with The Waters was terminated.

19. On or about October 24, 2010, Respondent renewed her Indiana nursing license online. Respondent answered "No" to all questions including question five (5) which asks, "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?"

#### **COUNT I**

20. Paragraphs 1-19 are incorporated by reference herein.

21. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of crimes that have a direct bearing on her ability to continue to practice competently or are harmful to the public as evidenced by Respondent's 2000 and 2008 criminal convictions for Operating a Vehicle While Intoxicated Endangering a Person, Class A Misdemeanors.

#### **COUNT II**

22. Paragraphs 1-19 are incorporated by reference herein.

23. Respondent's conduct as described above constitutes a violation of Indiana Code IC 25-1-9-4(a)(4)(A) in that Respondent has become unfit to practice due to professional

incompetence as evidenced by her medication errors and subsequent termination from Covered Bridge.

**COUNT III**

24. Paragraphs 1-19 are incorporated by reference herein.

25. Respondent's conduct as described above constitutes a violation of Indiana Code IC 25-1-9-4(a)(4)(B) in that Respondent has failed to keep abreast of current theory of practice by disregarding Resident A's right to dignity as evidenced by placing her foot on Resident A's wheelchair, blocking Resident A from entering her room and treating Resident A in a rude manner. 848 IAC 2-3-3(3).

**COUNT IV**

26. Paragraphs 1-19 are incorporated by reference herein.

27. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in fraud or material deception in the course of professional services or activities as evidenced by stating on her application to Accessible Staffing that she left Covered Bridge due to "Facility Politics" rather than being terminated.

**COUNT V**

28. Paragraphs 1-19 are incorporated by reference herein.

29. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in fraud or material deception in the course of professional services or activities as evidenced by stating on her application to The Waters that she left Covered Bridge due to "Pay rate" rather than being terminated

**COUNT VI**

30. Paragraphs 1-19 are incorporated by reference herein.

31. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose her September 25, 2008, criminal conviction on her October 3, 2008, Indiana nursing licensure renewal.

#### **COUNT VII**

32. Paragraphs 1-19 are incorporated by reference herein.

33. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose her February 20, 2008, termination from Covered Bridge Health Campus on her October 3, 2008, Indiana nursing licensure renewal.

#### **COUNT VIII**

34. Paragraphs 1-19 are incorporated by reference herein.

35. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose her July 1, 2009, termination from The Waters of Indianapolis on her October 24, 2010, Indiana nursing licensure renewal.

#### **COUNT IX**

36. Paragraphs 1-19 are incorporated by reference herein.

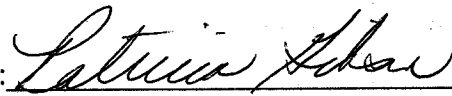
37. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4)(D) in that Respondent has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by her 2000 and 2008 convictions for Operating a Vehicle While Intoxicated, Endangering a Person.

**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,

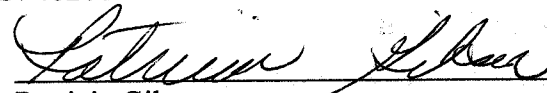
GREGORY F. ZOELLER  
Attorney General of Indiana  
Attorney Number: 1958-98

By:   
Patricia Gibson  
Deputy Attorney General  
Attorney Number: 12011-49

**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 12<sup>th</sup> day of October, 2011.

Janet Louise Winterrowd, L.P.N.  
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Indianapolis, IN 46201

  
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