

**BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NUMBER: 2022 NB 0096**

IN THE MATTER OF THE LICENSE OF:)
)
BRITTANI L. HESS, A.P.R.N.)
)
LICENSE NUMBERR: 71005035A/B)
28179570A)



ADMINISTRATIVE COMPLAINT

Petitioner, the State of Indiana, by counsel, Deputy Attorney General Autumn R. Murphy, pursuant to Ind. Code ch. 25-1-7 *et seq.* and Ind. Code ch. 4-21.5-3 *et seq.*, submits this Administrative Complaint before the Indiana State Board of Nursing (“Board”) against the nursing licenses of Brittani L. Hess (“Respondent”) for violations of Ind. Code § 25-1-9-4. In support, Petitioner alleges and states the following:

FACTS

Respondent’s Background

1. Respondent is a licensed Advanced Practice Registered Nurse (“A.P.R.N.”) in the State of Indiana, having been issued license numbers 71005035A/B on August 4, 2014, which are set to expire on October 31, 2023.
2. Respondent is also a licensed Registered Nurse (“R.N.”) in the State of Indiana, having been issued license number 28179570A on July 8, 2008, which is set to expire on October 31, 2023.
3. Respondent’s address on file with the Indiana Professional Licensing Agency (“IPLA”) is 1310 Olive Street, Indianapolis, Indiana 46203.
4. Respondent is a “practitioner” as that term is defined by Ind. Code § 25-1-11-2.

Facts Supporting Violations

5. In September 2020, Respondent was hired by HealthNet, Inc. (“HealthNet”) to work as a Nurse Practitioner in HealthNet’s Homeless Initiative Program. As part of the program, Respondent saw patients at the Salvation Army’s Harbor Light treatment center (“Harbor Light”), located in Marion County, Indiana.

6. In December 2020, Respondent held a phone consultation with a twenty-nine (29) year-old male patient (“Patient A”) for treatment related to anxiety and depression.

7. From January 2021 through April 2021, Respondent had a total of nine (9) visits with Patient A.

8. During the course of Respondent’s treatment of Patient A, Respondent became aware that Patient A had a history of substance abuse issues.

9. On or about May 11, 2021, Patient A was asked to leave Harbor Light due to violations of the center’s residential treatment rules.

10. The evening of on or about May 11, 2021, Patient A called Respondent and asked her for assistance. That evening, in her personal vehicle, Respondent picked up Patient A from Harbor Light and drove Patient A to her family’s unoccupied lake house on Prince’s North Lake, in Johnson County, Indiana. Respondent left Patient A unattended at her lake house overnight, but she returned to check on him the morning of May 12, 2021.

11. On or about May 12, 2021, Respondent left Patient A unattended at the lake house during the day to go to work.

12. Around 7:30 p.m. on or about May 12, 2021, Respondent returned to the lake house, and she discovered Patient A had become intoxicated with alcohol that he found in a cabinet in the lake house. The night of on or about May 12, 2021, Respondent stayed with Patient A at the lake house in a separate room.

13. On or about May 13, 2021, Respondent assisted Patient A in finding him a place to stay with family members.

14. On or about May 14, 2021, Respondent was terminated from HealthNet for the inappropriate relationship with Patient A.

COUNTS

Knowing Violations of State Statute or Rule Regulating the Profession

15. **Count I:** Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated a state rule regulating the Registered Nurse profession, as evidenced by Respondent using unsafe judgment and inappropriate interpersonal behaviors in providing nursing care, which is a violation of 848 Ind. Admin. Code 2-2-3(1). Specifically, Respondent violated 848 Ind. Admin. Code 2-2-3(1) when Respondent disregarded patient-practitioner boundaries by driving Patient A to her lake house and by allowing Patient A to stay at her lake house.

16. **Count II:** Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated a state rule regulating the Advanced Practice Registered Nurse profession, as evidenced by Responding failing to use appropriate critical thinking skills to make independent decisions, commensurate with the autonomy, authority, and responsibility of a nurse practitioner, which is a violation of 848 Ind. Admin. Code 4-2-1(3). Specifically, Respondent violated 848 Ind. Admin. Code 4-2-1(3) when Respondent disregarded patient-practitioner boundaries by driving Patient A to her lake house and by allowing Patient A to stay at her lake house.

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REQUESTED RELIEF

ACCORDINGLY, Petitioner respectfully requests the Board issue an order against Respondent that:

- I. Imposes the appropriate disciplinary sanctions authorized by Ind. Code § 25-1-9-9;
- II. Directs Respondent to pay all of the costs incurred in the prosecution of this case, as authorized by Ind. Code § 25-1-9-15;
- III. Directs Respondent to pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Trust Fund pursuant to Ind. Code 4-6-14-10(b); and,
- IV. Provides any other relief the Board deems just and proper.

Respectfully submitted,

Office of the Indiana Attorney General

By:



Autumn R. Murphy
Deputy Attorney General
Atty. No.: 36914-53

OFFICE OF THE INDIANA ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I certify that a copy of the “Administrative Complaint” has been duly served upon those listed below, by United States mail, first-class, postage prepaid, on this 8th day of September, 2022.

Brittani L. Hess
1310 Olive Street
Indianapolis, IN 46203

Dennis F. McCrosson
THRASHER BUSCHMANN & VOELKEL, P.C.
151 N. Delaware Street, Suite 1900
Indianapolis, IN 46204-2505



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