

FILED

OCT 13 2016

*Sharon Back*  
Clerk Jefferson Superior/Circuit Court

I, Wendy Shake, Investigator with the Indiana Attorney General's Office Medicaid Fraud Control Unit, hereby swear or affirm that I learned the following facts during the course of my investigation involving Sharon Back:

On or around the end of August of 2015, Jennifer Rowlett, a Registered Nurse ("RN") who worked at Madison State Hospital, ~~711 Green Road in Madison, Indiana,~~ approached RN Connie Adams ("Adams"), a dayshift Supervising Nurse in the "Healing Heights" Unit, indicating that staff on the evening shift wanted to speak to her. Healing Heights is a Unit for the more medically fragile patients at the facility; they are elderly, need almost total assistance with their daily activities, and most suffer from some degree of memory loss. Adams agreed, but asked that they first put their concern in writing.

On September 6, 2015, Adams met with the staff members individually and obtained their written statements. She was shocked to hear that the evening shift employees had repeatedly witnessed RN Sharon Back ("Back") physically and verbally abuse residents in the unit, frequently using racial slurs and directing other derogatory comments at them. These events on occasion also resulted in physical harm to the residents. This disturbing treatment was known to LPN Nancy Rider ("Rider") and evening Shift Supervisor RN Pam Hicks ("Hicks"); however, neither made any effort to stop it. Back had been employed at Madison State Hospital since October 1, 2007, and was

transferred to work the evening shift in the Healing Heights Unit on August 21, 2014.

Adams learned that the evening shift employees were reaching out to her because they did not feel that they could report their concerns to the Hicks because she and Back were friends. In fact, prior attempts to report Back's behavior were fruitless, and staff noted that Hicks had actually been present and observed Back's abusive actions more than once without taking any corrective or disciplinary action. Several of the reporting staff were Behavioral Health Recovery Attendants ("BHRA's"), who provide direct patient care and reported directly to Back and the other nurses. The staff were intimidated by Back's ability to openly engage in the behavior with no consequences; in fact, she openly bragged about her ability to lie and get herself out of trouble. All of the reporting staff admitted that they were terrified to challenge Back directly or even indirectly, for fear of retaliation or losing their jobs.

Adams forwarded the information to the Director of Nursing, RN Debora Woodfill, who began an internal investigation and forwarded the information to the State. Madison State Hospital ultimately terminated Back, Rider, and Hicks on September 9, 2015.

Madison State Hospital is a State Psychiatric Hospital, housing patients with emotional disturbances, serious mental health issues and substance abuse disorders. Because the facility is a Medicaid funded health facility, the abuse report was forwarded to the Indiana Medicaid Fraud Control Unit. I was assigned the case in November of 2015, to investigate further and determine whether criminal acts had possibly occurred. During the course of my investigation, I interviewed witnesses and gathered documentation from various sources, including the facility.

According to several staff members who worked in the Healing Heights Unit, Back was known to be mean and impatient with residents, showing particular disdain towards residents of color. She used the "quiet room," a padded room designed to be a short-term safe place where agitated residents could regain their composure, as a means of punishing certain residents. Back would often confine these residents in the room for no legitimate reason, and would not permit other staff to offer them food, water or other appropriate care. Co-workers reported that Back had falsified patient records in order to justify her actions, such as claiming that the residents had been violent or engaged in behaviors that warranted placement in the quiet room, when they had not. Back would also physically strike, pull, and

drag residents in a fit of anger, while belittling them or using racial slurs.

The following is a list of specific instances or patterns of physical and verbal abuse of Healing Heights residents by Sharon Back between August 21, 2014 and her termination date of

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September 9, 2015 that were witnessed by other staff members (witness names in parentheses). Each resident had short-term memory deficits and physical limitations that prevented them from being able to protect themselves or report the abuse:

Resident L.J.: Resident L.J. was able to walk, but was unsteady on his feet; however, Back would not allow the BHRAs to assist him with walking. Back would confine L.J. in the quiet room almost every day, sometimes for an entire shift.

December 31, 2014: Back placed resident L.J. in the quiet room in the early evening, where he was confined for roughly three hours. During that time, Back noticed that L.J. was sitting with his feet sticking out of the room. Back yelled at L.J. and, unaware that anyone was watching, stomped on his ankles, telling him to "get his black ass back in there." (BHRA Cathy Sue Daugherty). At 1:00am the following day, Back made an entry in L.J.'s nursing notes that he was sitting in a chair in his room and complaining of pain in his ankle. She claimed that he reported that he "fell out of bed." The staff during the

morning shift noted that he was having trouble with his ankle; he was limping and complained of pain that was "8 out of 10." L.J. was sent to the hospital at approximately 9:15am, where an x-ray showed that his right ankle had an "acute complex obliquely oriented fracture." Based on Back's entries in the

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nursing notes, the hospital was told that L.J. was injured by falling out of bed. He returned to the facility in a boot, with instructions to use a walker or wheelchair.

Over the next few weeks after his return to the facility, Johnson was given medication to relieve his pain, which he occasionally reported was "10 out of 10." He remained in an air boot until February 23, 2015.

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Multiple occasions, including late August 2015: Back angrily slapped L.J. in the face, while saying, "I'll slap the black off of you." (BHRAs Cathy Sue Daugherty and Cherokee Gunter; LPN James Fleenor).

Multiple occasions 8/21/14 - 9/5/15: Back dragged L.J. by his clothing across the floor of the quiet room; at least once dragging him through his urine, because he was not allowed out to use the bathroom. During these episodes, Back made derogatory racial comments or remarks such as "you should be euthanized." L.J.'s clothing was noticeably stretched out of shape. (BHRAs

Cathy Sue Daugherty, Cherokee Gunter, Amy Gambrell; LPN Helen Miller).

Resident D.K.: D.K. was transferred into the Healing Heights Unit on March 3, 2015. He had dementia and was in a wheelchair.

His health began to decline in August of 2015, and staff noted

that he started to have difficulty with his motor skills. Back became very impatient with him, yelling at him to stop pretending that he was incapable. Shortly after these events, D.K. was diagnosed with brain cancer and passed away.

August 31, 2015: After D.K. refused his drink when medications were being passed, Back and Nancy Rider yelled at him. ~~Shortly afterwards, Back grabbed his drink and poured it~~

down his throat until he was coughing and gagging. (BHRA Cherokee Gunter).

September 4, 2015: Back observed D.K. try to hit BHRA Cherokee Gunter as she attempted to take his vitals. Back ran over and choked D.K. until his face turned red and he couldn't breathe, and stated, "there's nothing that would make my day more than to choke your dumbass to death...but I need my job!" (BHRAs Cherokee Gunter, Amy Gambrell, and Rachelle Shepherd).

Resident L.A.: Resident L.A. uses a wheelchair and is in fragile physical condition, needing assistance with most activities. He is in constant pain.

Unknown date 8/21/14 - 9/5/15: LPN Helen Miller was giving L.A. a drink of thickened liquid, and was allowing him to take small sips. Back got irritated, grabbed the drink, opened his mouth and poured the drink down his throat until he gagged and coughed. During this incident, Back called L.A. a "sissy." (LPN Helen Miller and BHRA Cherokee Gunter).

Unknown date between 8/21/14 - 9/5/15: L.A. awoke during the night and was cussing and having a verbal outburst. Back went into his room and leaned over him in his bed, putting all of her weight on him. Holding his arms down, she was yelling in his face, "you're not going to do this; you're acting like an idiot!" (BHRA Cherokee Gunter).

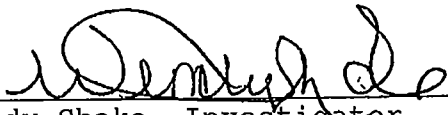
Resident R.S.: Resident R.S. is usually quiet and stays in his room; he like to color in his room. When he is in common areas with staff, however, he will often have verbal outbursts.

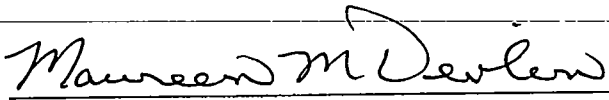
Multiple occasions between 8/21/14 - 9/5/15: In the dining room, if R.S. had a verbal outburst, Back would push him out of his chair or pull the chair out from under him, call him names, and leave him on the floor during dinner—sometimes for up to an hour. If she was especially angry, Back might confine him in the quiet room. (BHRAs Cherokee Gunter, Rachelle Shepherd, Cathy Sue Daugherty).

Based upon the evidence gathered in my investigation, I believe that probable cause exists to charge Sharon Back with Battery on the residents listed above. Each resident was living at Madison State Hospital and was under the care of Sharon Back, a Registered Nurse, at the time of the incidents, which all occurred in Jefferson County, Indiana.

All of which is contrary to statute and the peace and dignity of the State of Indiana.

10/12/16  
Date

  
Wendy Shake, Investigator  
Indiana Medicaid Fraud Control Unit

  
Maureen M. Devlen  
Attorney