

STATE OF INDIANA ) IN THE SCOTT \_\_\_\_\_ COURT  
 )SS:  
COUNTY OF SCOTT )

STATE OF INDIANA

vs.

JENNIFER L. DANIEL

**AFFIDAVIT FOR PROBABLE CAUSE**

I, Sarah A. Shoup, Drug Diversion Investigator for the Office of the Indiana Attorney General, Medicaid Fraud Control Unit, have probable cause to believe that between November 25, 2018 and December 10, 2018, Jennifer L. Daniel (“Daniel”), in Scott County, State of Indiana, did commit the following crime:

IC 35-45-21-5(c)(2) Interference with Medical Services, a Level 5 Felony

I participated in the investigation of the criminal offenses described in this affidavit. The statements contained in this affidavit are founded, in part, on information provided to me through conversations or written statements and information from numerous representatives of health care facilities and pharmacies related to this investigation. I believe these witnesses to be truthful and credible.

- 1) Because this affidavit is being submitted for the purposes of filing criminal charges I have not included all facts that have been revealed during the course of this investigation. I have set forth only the facts that are believed to be necessary to establish the required foundation for probable cause.
- 2) Jennifer L. Daniel is currently a Registered Nurse, License Number 28221331A and was licensed in the State of Indiana on March 13, 2015. Her date of birth is July 22, 1979.
- 3) On May 29, 2019, I was assigned this case for investigation through a complaint by New Albany Meijer Pharmacist Brad Gentry. Gentry had found some concerning narcotic prescriptions, written by Dr. Brian Heimer, for hospice patients who resided in long term care facilities which were being filled by Jennifer L. Daniel, later identified as a hospice nurse with Southerncare Hospice in New Albany, Floyd County, Indiana. Gentry reviewed prescriptions which were picked up by Daniel using her driver’s license number. Gentry then ran INSPECT reports (reports that collect data regarding patient prescriptions for controlled substances) for these patients and determined that all of their prescriptions were being filled by Omnicare, a pharmacy who normally fills for long term care facilities, with the exception of the patients’ Hydrocodone and Zolpidem.
- 4) Hydrocodone is a prescription opioid painkiller, prescribed to treat moderate to severe pain; it is classified as a Schedule II controlled substance. Zolpidem is a sedative used to treat insomnia; it is classified as a Schedule IV controlled substance.

- 5) I contacted Southerncare Hospice and learned that Daniel had been terminated for failing to follow procedure.
- 6) I obtained records from Southerncare regarding all patients Daniel had visited and reviewed INSPECT reports for these patients. I also identified those patients who were residents of long term care facilities. Reports for those patients residing in facilities revealed numerous instances of prescriptions for Hydrocodone and Zolpidem being filled at local pharmacies in Clark and Floyd County while the remainder of the patients' medications were being filled by a facility pharmacy, namely Omnicare.
- 7) I then obtained records from the pharmacies where prescriptions were filled and found that, in all instances, Jennifer L. Daniel had picked up those prescriptions. I was able to determine this because Daniel signed for the medication and presented her driver's license, both of which are required for the retrieval of controlled substances.
- 8) On June 26, 2019, I conducted an audio recorded interview with Dr. Brian Heimer, the contracting physician for Southerncare Hospice. During the interview, Dr. Heimer explained to me the process for administering narcotics to hospice patients and stated that when patients are admitted to hospice care it is to provide care and comfort to the terminally ill. Heimer stated that part of this includes prescribing narcotics for pain control as the dying process can be painful. Heimer stated he would meet with Daniel and others bi-weekly for team meetings and during those meetings he would write out prescriptions for patients under his care. These prescriptions would be given to the RN, in many cases, Daniel, who was then responsible for delivering them to the patient's caregiver or a nurse at the facility if the patient was a resident of a long term care facility; the third party caregiver or nurse would then have them filled. Dr. Heimer also stated that at times Daniel would come to his private office in New Albany, Indiana to retrieve written prescriptions for patients if something was needed.
- 9) On August 21, 2019, I traveled to Lake Point Healthcare and interviewed Administrator, Jay Myers. Myers stated he was familiar with patient C.M. and that she had come to the facility in December of 2017 and she was still a resident there. Myers stated he was not familiar with Jennifer Daniel, hospice nurse for Southerncare, but he knew Southerncare did have a representative visiting a patient in the facility. Myers was asked how prescriptions are obtained and filled and he stated that they get the prescription, written by a hospice doctor, and the nurse brings the written prescription to the building and it is then sent to the facility pharmacy, Omnicare, and Omnicare fills it. Myer was asked if Daniel had ever brought in a Hydrocodone for resident C.M. which was filled at an outside pharmacy such as CVS. Myers said she had not. Myers was specifically asked about the two prescriptions in question for Hydrocodone, picked up on December 10, 2018 and November 25, 2018 by Daniel. Myers stated those were not brought to the facility.
- 10) On August 6, 2019, I conducted an audio recorded interview with Daniel in the New Albany Medicaid Fraud Control Office. Daniel voluntarily appeared in the office and was informed she was free to leave at any time. During the interview, Daniel told me that she had been terminated from Southerncare Hospice for "not following policy and procedure." When I presented Daniel with the information I had obtained regarding

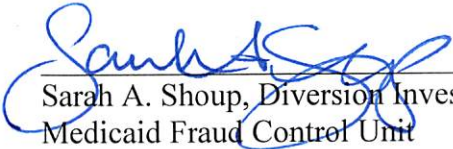
specific patients, Daniel admitted that she had taken the prescriptions to various local pharmacies, had them filled, and kept the controlled substances for herself.

- 11) Through this investigation, it was specifically determined that Daniel, did obtain two (2) prescriptions, written for C.M., a terminally ill patient receiving services from Dr. Brian Heimer and Southerncare Hospice while residing at Lake Pointe Village, in Scottsburg, Indiana, from the following identified pharmacies, without permission, and causing C.M. to be deprived of medication intended for her:

90 ct. Hydrocodone – Acetaminophen 10/325 mg retrieved November 25, 2018 from CVS Pharmacy #10657 in Floyd County, Indiana; and

90 ct. Hydrocodone – Acetaminophen 10/325 mg retrieved from CVS Pharmacy #10757 in Clark County, Indiana on December 10, 2018.

- 12) This investigation reveals that on or about November 25, 2018 and December 10, 2018, Jennifer L. Daniel, a “licensed health professional” as defined by IC 25-23-1-27.1, did knowingly or intentionally physically interrupt, obstruct, or alter the delivery or administration of a prescription drug, prescribed or ordered by a practitioner for a person who is a patient of the practitioner, in violation of I.C. 35-45-21-5(c)(2).
- 13) I swear, under the penalty for perjury as specified by I.C. 35-44.1-2-1 that the foregoing is true to the best of my information and belief.

  
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Sarah A. Shoup, Diversion Investigator  
Medicaid Fraud Control Unit  
Indiana Attorney General