

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HENDRICKS )

IN THE HENDRICKS SUPERIOR COURT 4

CAUSE NUMBER:

STATE OF INDIANA

INFORMATION FOR:

V.

COUNT 1:

HEATHER HEUGEL  
DOB: 7/19/1985

**Obtaining a Controlled Substance by Fraud**  
I.C. 35-48-4-14(c)  
A Level 6 Felony

COUNT 2:

**Furnishing False or Fraudulent Information**  
I.C. 35-48-4-14(b)(3)  
A Level 6 Felony

COUNT 3:

**Failure to Make, Keep, or Furnish a Record**  
I.C. 35-48-4-14(a)(3)  
A Level 6 Felony

**Count 1:**

The undersigned states that on or between May 16, 2022 and July 5, 2022 in Hendricks County, State of Indiana, Heather Heugel did knowingly or intentionally acquire possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-48-4-14(c) and against the peace and dignity of the State of Indiana.

**Count 2:**

The undersigned states that on or between May 16, 2022 and July 5, 2022 in Hendricks County, State of Indiana, Heather Heugel did knowingly or intentionally furnish false or fraudulent material information in or omit material information from a report or other document required to be kept or filed under I.C. 35-48 as to the documentation of the dispensing or administration of a controlled substance contrary to the form of the statutes in such cases made and provided by I.C. 35-48-4-14(b)(3) and against the peace and dignity of the State of Indiana.

**Count 3:**

The undersigned states that on or between May 16, 2022 and July 5, 2022 in Hendricks County, State of Indiana, Heather Heugel did recklessly, knowingly or intentionally fail to make, keep, or furnish a record or information required under I.C. 35-48 as to the documentation of the dispensing, administration, or destruction of a controlled substance contrary to the form of the statutes in such cases made and provided by I.C. 35-48-4-14(a)(3) and against the peace and dignity of the State of Indiana

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.

/s/ Grainne L. Kao

Grainne Kao, 34660-49

Deputy Attorney General

Indiana Office of the Attorney General

Medicaid Fraud Control Unit

**Witnesses:**

Justin White, MFCU

Ashely Brummitt, DON

Jamie Coomer, ADON

Keeper of the Records, Avon Health and Rehabilitation Center

STATE OF INDIANA ) IN THE HENDRICKS SUPERIOR COURT 4  
 ) SS:  
COUNTY OF HENDRICKS ) CAUSE NO:  
  
STATE OF INDIANA )  
 )  
VS. )  
 )  
HEATHER A. HEUGEL )  
DOB: 7-19-1985 )

**AFFIDAVIT FOR PROBABLE CAUSE**

I, Justin White, Drug Diversion Investigator for the Office of the Indiana Attorney General, Medicaid Fraud Control Unit, have probable cause to believe that Heather Amanda Heugel, in the County of Hendricks, State of Indiana, did commit the following crimes:

I.C. 35-48-4-14(c) Obtaining a Controlled Substance by Fraud, a Level 6 Felony  
I.C. 35-48-4-14(b)(3) Furnishing False or Fraudulent Information, a Level 6 Felony  
I.C. 35-48-4-14 (a)(3) Failure to Make, Keep, or Furnish a Record, a Level 6 Felony

- 1) 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 employees of Avon Heath and Rehabilitation Center and medical records related to this investigation. I believe these witnesses to be truthful and credible.
- 2) 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.
- 3) Heather Amanda Heugel (Heugel) was born on July 9, 1985. She is a Licensed Practical Nurse (LPN), License Number 27061994A, and was licensed in the State of Indiana on or about September 4, 2008. As a Registered Nurse, she is a "licensed health professional", as defined by Indiana Code 25-23-1-27.1. She was employed by Avon Health and Rehabilitation Center from 3-16-2022 to 7-15-2022.
- 4) Avon Health and Rehabilitation Center is located at 4171 Forest Pointe Cir, Avon, IN 46123. Avon Health and Rehabilitation Center and their in-house Pharmacy, Medscript, is registered with the Indiana State Board of Pharmacy to dispense controlled substances. Under both state (I.C. 35-48-3-3 (e)(1)) and federal law (21 C.F.R. 1301.22), Heugel is exempted from registering separately with the state or federal government to handle controlled substances due to being an authorized employee of a registered party, to wit: Avon Health and Rehabilitation Center, as long as she is acting in the usual course of his employment.
- 5) Avon Health and Rehabilitation Center and its employees or agents, acting in the usual course of their employment, are required to maintain complete and accurate records under both Indiana and Federal laws pertaining to the dispensation of all controlled substances.

Specifically, Indiana Code (I.C.) 35-48-3-7 mandates that records be kept in conformance with the record-keeping requirements of federal law and regulation and with any additional rules the Indiana State Board of Pharmacy issues including 856 IAC 1-28.1-12. Title 21 United States Code (U.S.C.) 827(a)(3) and Title 21 Code of Federal Regulations (C.F.R.) 1304.22 (21 C.F.R. §1304.22) require a complete and accurate record be maintained for the dispensing or administration of a controlled substance to a patient, including:

- a. Number of units or volume of drug dispensed
- b. Name and address of the person to whom it was dispensed
- c. Date of dispensing
- d. Number of units or volume dispensed
- e. Written or typewritten name or initials of the individual who dispensed or administered the substance

In addition, Federal Regulation 21 C.F.R. § 1317.95(d) mandates any controlled substance that is removed for dispensing, but not actually given to the patient must be witnessed by another staff member and may be destroyed. If destroyed, then a drug destruction record must be made.

- 6) Avon Health and Rehabilitation Center utilizes MedScript to provide pharmacy services to their extended care facility. Avon Health and Rehabilitation Center receives regular deliveries of medication including controlled substances from Medscript in the form of daily deliveries from the pharmacy. Avon Health and Rehabilitation Center utilizes a "med cart" to store and dispense medications to patients within their facility. Nurses are assigned to the cart for their shift. The oncoming nurse counts the controlled substances on the cart with the nurse they are relieving at the beginning/end of the shift. Once the controlled substances have been counted together, the oncoming nurse takes control of the cart and is the only one with a key to access the cart until that nurse counts with the nurse set to relieve them. Assigned nurses remove medications from the med carts per a physician order and dispense them to patients. Nurses remove medication from the med cart with the key. When the drugs are removed from the med cart and dispensed to a patient, the nurse completes the Controlled Substance Record/Report (CSR) which documents the date, time, and quantity of the drug remaining. The nurse then charts the dispense/administration to the patient a Medication Administration Record (MAR)
- 7) At Avon Health and Rehabilitation Center, the Medication Administration Record (MAR) is completed electronically and is known as the EMAR. A MAR is the report that serves as a legal record of the drugs administered to a patient by a health care professional. The Controlled Substance Record (CSR) is a record of controlled substances dispensed. The MAR and the CSR are a part of a patients' permanent record in their medical chart. The health care professional is required to document in the MAR and the CSR each time that medication is administered. Any controlled substance that is removed for dispensing, but not actually given to the patient must be witnessed by another staff member and must be destroyed. The staff member would then fill out a corresponding drug destruction record.
- 8) Avon Health and Rehabilitation Center noted that resident R. [REDACTED] [REDACTED] [REDACTED] had received several PRN, or as needed narcotics. These narcotics was noted as being dispensed on the narcotic sheet but not administered in the MAR. Heugel was immediately suspended and an investigation was initiated.

- 9) After review of R.K.'s narcotic sheet for Hydrocodone/APAP 7.5-325mg (Take 1 Tab by mouth every 6 hours as needed), Heugel dispensed fifteen (15) tabs of hydrocodone from 6-16 to 7-4. Only one (1) dose was documented as administered. Furthermore, Heugel dispensed a tab of Hydrocodone on 7-2, when her timesheet shows that she was not working on that day.
- 10) Resident E.M. was receiving Hydrocodone/APAP Tab 10-325mg (Take 1 Tab by mouth every 4 hours as needed for pain). From 6-19 to 7-3, Heugel dispensed Hydrocodone to E.M. seven (7) times. No doses were documented as administered. Heugel dispensed a tablet of Hydrocodone on 6-19 and 7-2, when her timesheet shows that she was not working on either of these days.
- 11) Further review of documentation shows the E.M. was dispensed Hydrocodone /APAP Tab 10-325mg by Heugel fourteen (14) times from 5-16 to 6-17. No doses were documented as administered.
- 12) On 7-8-2022, T.M. M.T.M. (T.M.) wrote a statement. It said that on 7/3/2022, Heugel showed up late and left early. While he was counting at the end of his shift, he saw that Kington had received a PRN narcotic that day, and he never asks for one. He also saw how she signed out a Norco for E.M. for 7/2 and 7/3, when Heugel wasn't on the cart on 7/2, but T.M. was. E.M. had stated that she did not take a Norco because she does not like them. The statement also said that Huegel signed out a Norco for a resident on 100 hall at 12pm on 7-4, when she did not arrive until 2pm.
- 13) On 12/7/2022, I interviewed resident E.M. E.M. said she took herself off Norco, so she would take Tramadol. If her knee was really hurting, then she would take the Norco. E.M. said she had her knee surgery in March, and knows she was off Norco by the end of the month.
- 14) On 7/14/2022, Heugel wrote a statement regarding the investigation at Avon Health. She stated she signed out several dates incorrectly and did not have an explanation for the error. Heugel said she did not sign them out in the PCC/EMAR, so she was unsure what her error was.
- 15) On 7/15/2022, Ashley Brummitt (Brummitt), the Director of Nursing (DON), called Heugel. Jamie Coomer (Coomer), the Assistant Director of Nursing (ADON), was a witness to the phone call. During the phone call, Brummitt called Heugel to let her know that the facility was going to terminate her employment. Brummitt told Heather that they had concluded that she had taken several narcotics from residents after their investigation. Heugel stated that she knew that she was not in a good place and that she had not been making the best decisions.
- 16) On 9/21/2022, I interviewed Coomer at Avon Health and Rehabilitation Center. During the interview, Coomer said that on 7/8/2022 one of the staff members went to Coomer about Heugel signing out medications on dates when she was not on the schedule. Coomer investigated this allegation and saw that there were dates where medications were dispensed by Heather when she was not on the schedule.
- 17) On 12/7/2022, I interviewed Brummitt at Avon Health and Rehabilitation Center. During the interview, Brummitt said that she believes that Norco is something that E.M. does not take all the time. She prefers to take Tramadol. She will occasionally take Norco, but not two or three times a day.

- 18) After review of documentation, resident K.K.S. S.K.S. (K.S. ) was receiving Oxycodone 5mg. Heugel dispensed eighteen (18) tablets of Oxycodone for Smith from 6-1 to 7-4. Only two (2) doses were documented as administered by Heugel.
- 19) After further review of documentation, resident B.B. V.B.V. (B.V. ) was receiving Oxycodone 5mg. Heugel dispensed two (2) tablets of Oxycodone to Venis on 7-5. Neither of the doses were documented as administered.
- 20) After review of documentation, resident M.M. C.M.C. (M.C. ) was receiving Hydrocodone 10-325mg. Heugel dispensed three (3) tablets of Hydrocodone to M.C. on 7-5. No doses were documented as administered.
- 21) After review of documentation, resident L.L.R. R.L.R. (L.R. ) was receiving Tramadol 50mg. Heugel dispensed four (4) tablets of Tramadol to L.R. between 6-9 and 6-17. No doses were documented as administered.
- 22) This investigation reveals on at least one occasion between May 16, 2022, and July 5, 2022, Heather Heugel knowingly or intentionally acquired possession of a controlled substance; to wit: Hydrocodone, Oxycodone, and Tramadol, by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact in violation of I.C. 35-48-4-14(c).
- 23) This investigation reveals that on at least one occasion between May 16, 2022, and July 5, 2022, Heather Heugel knowingly or intentionally furnished false or fraudulent material information in or omitted material information from a report or other document required to be kept or filed under I.C. 35-48 as to the documentation of the dispensing or administration of controlled substances in violation of I.C. 35-48-4-14(b)(3).
- 24) This investigation reveals that on at least one occasion between May 16, 2022, and July 5, 2022, Heather Heugel did recklessly, knowingly or intentionally fail to make, keep or furnish a record, a notification, an order form, a statement, an invoice, or information required under I.C. 35-48 as to the documentation of the dispensing or administration of controlled substances in violation of I.C. 35-48-4-14(a) (3).

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.

/s/ Justin White

Affiant, Justin White  
Drug Diversion Investigator  
OAG-MFCU