

STATE OF INDIANA)
) SS:
COUNTY OF MARSHALL)

IN THE MARSHALL SUPERIOR COURT 3

STATE OF INDIANA

CAUSE NUMBER

VS

INFORMATION FOR:

DANIEL D. TANNER
DOB: 03/03/1971

Count 1:
Aiding, Inducing, or Causing the Practice of Medicine
without a License
I.C. 25-22.5-8-1; I.C. 25-22.5-8-2(a); I.C. 35-41-2-4
Level 5 Felony

Count 2:
Issuing Invalid Prescription for Legend Drugs by a
Practitioner
I.C. 16-42-19-20
Level 6 Felony

Count 3:
Aiding, Inducing, or Causing Practicing Nursing While
License Suspended or Revoked
I.C. 25-23-1-27(5); I.C. 35-41-2-4
Class B Misdemeanor

On this date, the undersigned Deputy Attorney General, being duly sworn upon her oath does swear or affirm that:

Count 1:

On or about May 14, 2021, in Marshall County, Indiana, Daniel D. Tanner knowingly or intentionally aided, induced, or caused David A. Tanner to commit the Practice of Medicine without a License by permitting a non-licensed individual, to-wit: David A. Tanner, to evaluate and diagnose John Wilson (aka John Marsh), a patient, at the clinic of Daniel D. Tanner, and Daniel D. Tanner allowed David A. Tanner to use Daniel D. Tanner's unique and personally assigned DEA registration number to issue a prescription and/or drug order for a legend drug.

Count 2:

On or about May 14, 2021, in Marshall County, Indiana, Daniel D. Tanner, a nursing practitioner, did knowingly issue an invalid prescription and/or drug order for: Dexamethasone and/or Naproxen, and/or Methocarbamol, a legend drug.

Count 3:

On or about March 4, 2021 and/or May 14, 2021, in Marshall County, Indiana, Daniel D. Tanner knowingly or intentionally aided, induced, or caused another person, to-wit: David A. Tanner, to commit an offense, to-wit: Practicing Nursing While License Suspended or Revoked by enabling David A. Tanner to engage in conduct he was not authorized to perform, to-wit: taking vital signs of patient(s); and/or recommending medication(s) to patient(s); and/or providing medical opinion(s) to patient(s);

contrary to the form of the statute(s) in such cases made and against the peace and dignity of the State of Indiana.

June 20, 2023

Date

/s/ Jennifer Anwarzai

Jennifer Anwarzai, 34163-49

Deputy Attorney General

State's Witnesses:

Jack Beckley

Richard Mahon

John Wilson

Wes Ennis

STATE OF INDIANA) IN THE MARSHALL SUPERIOR COURT 3
) SS:
COUNTY OF MARSHALL)

STATE OF INDIANA

VS.

DANIEL DALE TANNER

PROBABLE CAUSE AFFIDAVIT

I, Jack Beckley, Supervising Investigator for the Office of the Indiana Attorney General, Medicaid Fraud Control Unit, have probable cause to believe that Daniel Dale Tanner did commit the following crimes in Marshall County, State of Indiana:

Aiding, Inducing, or Causing the Practice of Medicine without a License, a Level 5 Felony
I.C. 25-22.5-8-1; I.C. 25-22.5-8-2(a); I.C. 35-41-2-4

Issuing Invalid Prescription for Legend Drugs by a Practitioner, a Level 6 Felony
I.C. 16-42-19-20

Aiding, Inducing, or Causing Practicing Nursing
While License Suspended or Revoked, a Class B Misdemeanor
I.C. 25-23-1-27(5); I.C. 35-41-2-4

1. I am a Drug Diversion Investigator for the Office of the Indiana Attorney General, Medicaid Fraud Control Unit (MFCU). I serve as the Supervisor for the Drug Diversion Section within the MFCU. I am a graduate of the 137th Session of the Indiana Law Enforcement Academy (ILEA) and served with the Hartford City Police Department from 1998 to 2013. While with the Hartford City Police Department, I was a Detective/Lieutenant, responsible for reviewing and approving departmental case reports and for directing criminal investigations, including but not limited to, offenses related to scheduled and legend drugs within Blackford County. I was assigned to a multi-jurisdictional drug task force and was directly involved in numerous drug investigations that involved drug diversion, fraud, theft of controlled substances, drug trafficking, and medical practitioners overprescribing controlled substances or prescribing without medical necessity. I have received specialized training in managing such investigations, interview and interrogation, and evidence collection.
2. 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 healthcare professional

witnesses and witness statements from law enforcement officers with the Indiana State Police. I believe these witnesses to be truthful and credible.

3. Because this affidavit is being submitted for the purposes of filing criminal charges, I have not included all facts that have been revealed during this investigation. I have set forth only the facts that are believed to be necessary to establish the required foundation for probable cause.
4. Daniel Dale Tanner was born on March 3, 1971. He is a Nurse Practitioner (NP) with Prescriptive Authority, License Number 71004120A, and was licensed in the State of Indiana on September 5, 2012. As the owner and manager of Concierge Medicine of Marshall County he employed David Andrew Tanner during the time of this investigation.
5. Concierge Medicine of Marshall County is located at 105 Water Street, Plymouth, Marshall County, Indiana. According to the Office of the Secretary of State of Indiana, Articles of Organization for Concierge Medicine of Marshall County LLC were filed and certified on January 22, 2016. Daniel Tanner is listed as the sole Principal member of this business.
6. On August 19, 2020, I was assigned to investigate a complaint involving Concierge Medicine of Marshall County. The complainant, or Source of Information ("SOI"), stated that NP Daniel Tanner owns Concierge Medicine of Marshall County. He had been out of the office for periods of time and during his absences his brother, identified as David A. Tanner, has been running the medical practice, prescribing medications, and ordering tests under Dan Tanner's credentials. David Tanner is reportedly not a lawfully licensed healthcare provider. The complainant explained that David's nursing License had been "revoked". David Tanner and Dan Tanner are supposedly telling patients that David is an "acute care provider". This SOI is a licensed medical professional in the State of Indiana and has had contact with some of the patients of this medical practice.
7. On August 26, 2020, I met with this SOI. This SOI reiterated their initial complaint. The SOI added that this medical practice would routinely "pass" people getting the required CDL physical examination that would otherwise not be "passed" by any other duly qualified provider authorized to conduct these exams. This SOI advised that they believe patients are being negligently misdiagnosed by both David and Daniel Tanner. Of the most serious allegation of malpractice was a patient familiar to this SOI. This patient was not properly treated and was diagnosed with having diverticulitis and was diagnosed as such based upon nothing more than stomach aches. There were supposedly no tests or anything resembling "best practice" when treating someone for such symptoms. This patient was later diagnosed with stomach cancer.
8. On August 31, 2020, I was able to retrieve screen shots purportedly from a group text message thread involving employees in this medical practice. These screen shots seemed to corroborate the original complaint in this matter.
9. Based upon information collected it was determined that a covert detail would be the next phase of this investigation. A collaborative investigation was formed which would include

the Indiana State Police (ISP). On March 4, 2021, we conducted a joint undercover operation at Concierge Medicine of Marshall County, located at 105 Water Street in Plymouth, IN. The UC officer entered the office at 9:47 AM. This visit required a \$40 cash payment up front. At 10:07 AM a male entered the room and identified himself as David, verbally presented himself as being a nurse, and stated, "I run the clinic here on Wednesdays and Fridays so if you come in on those days you'll be seeing me."

10. This male subject was identified by the UC officer as David Tanner. David Tanner commenced to perform an assessment on the UC officer. David Tanner began performing nursing duties such as taking vitals, recommending medications, and providing medical opinions. David remained with the UC officer approximately 9 minutes and left the room at 10:16 AM. At 10:31 AM a male and female entered the room and met the UC. They were identified as Daniel Tanner, the owner and Nurse Practitioner in the office, and a "student" who was later identified as Tori Prendergast, a licensed Registered Nurse. Daniel Tanner and Tori Prendergast began their examination. The exam began with Daniel Tanner explaining membership into his practice. Daniel Tanner, at one point, recommended the Kroger Pharmacy for filling prescriptions he may write. Daniel Tanner remained in the exam room until 10:37 AM at which time he left the UC officer with Tori Prendergast who finished with the assessment. Prendergast finished the exam at 10:40 AM. The UC officer left the office at 10:42 AM.
11. A second Covert Detail was conducted on May 14, 2021. On May 14, 2021, the UC officer (UC) entered the medical office at 9:51 AM and met with David Tanner at 9:53 AM. UC recognized David as being the same person who attended to him during the last undercover detail in this office. David immediately began assessing, diagnosing, and developing a treatment plan for ailment presented by the officer. We were aware that the APN/owner of this medical office, Daniel Tanner, was out of this particular office on Wednesday afternoons and all day on Fridays. Intel indicated that David Tanner would routinely order prescription drugs under Daniel Tanner's DEA registration number. UC presented with a sore shoulder. David discussed "deltoid muscle fatigue" as well as carpal tunnel syndrome and "tennis elbow". David also went over range of motion issues with UC. David covered many different possible reasons and diagnoses related to the problem mentioned by UC. UC asked about medication. David stated an anti-inflammatory was possible, but they would not prescribe opioids. David recommended naproxen and a steroid, to which he advised he would prescribe one, 8 days' worth, and then see where they were at after this prescription runs out. David made his diagnosis, stating that he was fairly certain UC had "muscle fatigue".
12. At approximately 10:04 AM David stated that Daniel was in Rochester every Wednesday afternoon and every Friday and added that they do "nurse visits" on those days as they are the only ones in the office at that time. David confirmed he would send the prescription to the Kroger in South Bend that UC requested. At approximately 10:08 AM UC left the office.

13. On Monday, May 17, 2021, UC picked up his prescriptions that were ordered by David Tanner from a Kroger at 4526 Western Ave in South Bend, IN. The prescriptions were for Dexamethasone 4mg, Naproxen 500 mg, and Methocarbamol 750 mg. The Prescriber noted on the prescriptions was APN Daniel Tanner.
14. Per Indiana Code, "registered nurse" means a person who holds a valid license issued under IC 25-23-1 or IC 25-42 and who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.
15. David A. Tanner's license to practice nursing was Indefinitely Suspended by the Indiana State Board of Nursing on January 7, 2005. Daniel Tanner, as owner of this particular medical practice, hired David Tanner and has allowed him to practice nursing as a registered nurse. As such, Daniel Tanner essentially acted as a principal in the second degree and aided David Tanner in committing a criminal offense.
16. This investigation reveals that on May 14, 2021, Daniel Tanner did aid, induce, or cause the practice of medicine without a license by permitting David Tanner, a non-licensed individual, to evaluate and diagnose patient(s) and allowed David Tanner to use his unique and personally assigned DEA registration number to issue a prescription and/or drug order for legend drug(s) all in violation of I.C. 25-22.5-8-1; I.C. 25-22.5-8-2(a); and I.C. 35-41-2-4.
17. This investigation reveals that on May 14, 2021, Daniel D. Tanner knowingly or intentionally allowed a non-licensed individual, to wit: David Tanner, to use his unique and personally assigned DEA registration number to issue a prescription or drug order for a legend drug, which is not valid unless the prescription or drug order is issued for a legitimate medical purpose by a practitioner acting in the usual course of the practitioner's business, which is a violation of I.C. 16-42-19-20.
18. This investigation reveals that on March 4, 2021 and/or May 14, 2021, Daniel D. Tanner did knowingly and intentionally aid, induce, or cause another person; to wit: David A. Tanner, to commit an offense; to wit: Practicing Nursing While Suspended or Revoked, a violation of I.C. 25-23-1-27(5) and I.C. 35-41-2-4.

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/ Jack Beckley

Jack Beckley, Diversion Investigator Supervisor
Medicaid Fraud Control Unit
Indiana Attorney General