

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

STATE OF INDIANA

CAUSE NUMBER

VS

INFORMATION FOR:

DAVID A. TANNER

DOB: 01/25/1968

Count 1:

Practicing Medicine without a License

I.C. 25-22.5-8-1 and I.C. 25-22.5-8-2(a)

Level 5 Felony

Count 2:

Practicing Nursing While License Suspended or Revoked

I.C. 25-23-1-27(5)

Class B Misdemeanor

On this date, the undersigned Deputy Attorney General, being duly sworn upon her oath does swear or affirm that in Marshall County, State of Indiana:

Count 1:

On or about May 14, 2021, in Marshall County, Indiana, David A. Tanner, with the intent to commit Practicing Medicine without a License engaged in conduct that he was not authorized to perform without a license or permit to do so as, provided in I.C. 25-22.5 et seq., by evaluating and diagnosing John Wilson (aka John Marsh), a patient, and using Daniel D. Tanner's licensing credentials to prescribe Dexamethasone and/or Naproxen, and/or Methocarbamol for said patient;

Count 2:

On or about March 4, 2021 and/or May 14, 2021, in Marshall County, Indiana, David A. Tanner did knowingly and intentionally practice nursing as a registered nurse and did so without being lawfully licensed to do so by engaging 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)
) SS:
COUNTY OF MARSHALL)

IN THE MARSHALL SUPERIOR COURT 3

STATE OF INDIANA

VS.

DAVID ANDREW 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 David Andrew Tanner did commit the following crimes in Marshall County, State of Indiana:

Practicing Medicine without a License, a Level 5 Felony
I.C. 25-22.5-8-1; I.C. 25-22.5-8-2(a)

Practicing Nursing While License Suspended or Revoked, a Class B Misdemeanor
I.C. 25-23-1-27(5)

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. David A. Tanner was born on January 25, 1968. He was a Registered Nurse (RN), License Number 28124981A, and was licensed in the State of Indiana on July 13, 1994. This license expired October 31, 2003. He was employed by Nurse Practitioner Daniel Tanner, dba Concierge Medicine of Marshall County, 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.
6. 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.
7. David A. Tanner's license to practice nursing was Indefinitely Suspended by the Indiana State Board of Nursing on January 7, 2005.
8. 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 currently 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 licensed credentials. David Tanner is not a lawfully licensed healthcare provider. The complainant explained that David's nursing License had been "revoked". David Tanner and Dan Tanner are telling patients that David is an "acute care provider". This SOI is a licensed medical professional in the State of Indiana.
9. 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.
10. 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.

11. 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."
12. 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 Dan Tanner, the owner and Nurse Practitioner in the office, and a "student" who was later identified as Tori Prendergast. Dan Tanner and Tori Prendergast began their examination. The exam began with Dan Tanner explaining membership into his practice, essentially marketing his business. Dan Tanner, at one point, recommended the Kroger Pharmacy for filling prescriptions he may write. Dan 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.
13. A second Covert Detail was conducted on May 14, 2021. The UC officer (UC) entered the 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 every Wednesday afternoon and all day on Fridays. Intel indicated that David Tanner would routinely order prescription drugs under Daniel Tanners 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".
14. At approximately 10:04 AM David stated that Daniel Tanner 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.

15. 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.
16. This investigation reveals that on May 14, 2021, David Tanner did knowingly practice medicine without holding a license or permit to do so, to wit: David Tanner did engage in the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of a human being and did engage in the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation in violation of I.C. 25-22.5-8-1 and I.C. 25-22.5-8-2(a).
17. This investigation reveals that on March 4, 2021, and/or May 14, 2021, David Tanner did knowingly and intentionally practice nursing as a registered nurse and did so without being lawfully licensed to do so, a violation of I.C. 25-23-1-27(5).

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