

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT COURT

2025 TERM

STATE OF INDIANA

CAUSE NUMBER. 34C01-2506-F6-3378094

VS

INFORMATION FOR:

COUNT 1:

OBTAINING A CONTROLLED SUBSTANCE BY
FRAUD OR DECEIT

I.C. 35-48-4-14(c)

A LEVEL 6 FELONY

LINDSAY ANNE PLAKE

[REDACTED]

DOB: [REDACTED]

CASE NO. Not Available

The undersigned affiant, being duly sworn according to law upon oath deposes and says that between August 1, 2024 and October 31, 2024 in Howard County, State of Indiana, Lindsay Anne Plake did knowingly or intentionally acquire possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Indiana.

/s/Georgeanna Teipen

Georgeanna Teipen, 15626-45

Deputy Attorney General

62nd Judicial Circuit

WITNESSES:

Lisa Bonnell

[REDACTED]

Patricia Ray

Kristina Shaw

Antonio Stewart

Craig Whited

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT COURT

2025 TERM

STATE OF INDIANA

CAUSE NUMBER. 34C01-2506-F6-3378094

VS

INFORMATION FOR:

COUNT 2:

OBTAINING A CONTROLLED SUBSTANCE BY
FRAUD OR DECEIT

I.C. 35-48-4-14(c)

A LEVEL 6 FELONY

LINDSAY ANNE PLAKE



DOB: 

CASE NO. Not Available

-
The undersigned affiant, being duly sworn according to law upon oath deposes and says that between August 1, 2024 and October 31, 2024 in Howard County, State of Indiana, Lindsay Anne Plake did knowingly or intentionally acquire possession of a controlled substance, to-wit: Oxycodone, by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Indiana.

/s/Georgeanna Teipen

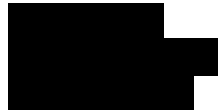
Georgeanna Teipen, 15626-45

Deputy Attorney General

62nd Judicial Circuit

WITNESSES:

Lisa Bonnell



Patricia Ray

Kristina Shaw

Antonio Stewart

Craig Whited

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT COURT

2025 TERM

STATE OF INDIANA

CAUSE NUMBER. 34C01-2506-F6-3378094

VS

INFORMATION FOR:

COUNT 3:

FAILURE TO MAKE, KEEP OR FURNISH
RECORDS

I.C. 35-48-4-14(a)(3)

A LEVEL 6 FELONY

LINDSAY ANNE PLAKE

[REDACTED]

DOB: [REDACTED]

CASE NO. Not Available

The undersigned affiant, being duly sworn according to law upon oath deposes and says that between August 1, 2024 and October 31, 2024 in Howard County, State of Indiana, Lindsay Anne Plake did recklessly, knowingly or intentionally fail to make, keep or furnish a record, a statement, or information as required by I.C. 35-48, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Indiana.

/s/Georgeanna Teipen

Georgeanna Teipen, 15626-45

Deputy Attorney General

62nd Judicial Circuit

WITNESSES:

Lisa Bonnell

[REDACTED]

Patricia Ray

Kristina Shaw

Antonio Stewart

Craig Whited

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT COURT

2025 TERM

STATE OF INDIANA

CAUSE NUMBER. 34C01-2506-F6-3378094

VS

INFORMATION FOR:

COUNT 4:

FURNISHING FALSE OR FRAUDULENT
INFORMATION

I.C. 35-48-4-14(b)(3)

A LEVEL 6 FELONY

LINDSAY ANNE PLAKE

[REDACTED]

DOB: [REDACTED]

CASE NO. Not Available

The undersigned affiant, being duly sworn according to law upon oath deposes and says that between August 1, 2024 and October 31, 2024 in Howard County, State of Indiana, Lindsay Anne Plake did knowingly or intentionally furnish false or fraudulent material information or omit material information in a report or document required to be kept or filed by I.C. 35-48, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Indiana.

/s/Georgeanna Teipen

Georgeanna Teipen, 15626-45

Deputy Attorney General

62nd Judicial Circuit

WITNESSES:

Lisa Bonnell

[REDACTED]

Patricia Ray

Kristina Shaw

Antonio Stewart

Craig Whited

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT COURT

2025 TERM

STATE OF INDIANA

CAUSE NUMBER. 34C01-2506-F6-3378094

VS

INFORMATION FOR:

COUNT 5:

THEFT

I.C. 35-43-4-2(a)

A CLASS A MISDEMEANOR

LINDSAY ANNE PLAKE

[REDACTED]

DOB: [REDACTED]

CASE NO. Not Available

The undersigned affiant, being duly sworn according to law upon oath deposes and says that between August 1, 2024 and October 31, 2024 in Howard County, State of Indiana, Lindsay Anne Plake did knowingly or intentionally exert unauthorized control over the property of [REDACTED], residents of Silver Birch Assisted Living, to-wit: their prescribed medications/controlled substances, with the intent to deprive them of any part of the use or value of the property, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Indiana.

/s/Georgeanna Teipen

Georgeanna Teipen, 15626-45

Deputy Attorney General

62nd Judicial Circuit

WITNESSES:

Lisa Bonnell

[REDACTED]

Patricia Ray

Kristina Shaw

Antonio Stewart

Craig Whited

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)
)
STATE OF INDIANA)
)
)
)
)
)
VS.)
)
Lindsay A. Plake)
DOB: [REDACTED])

IN THE HOWARD SUPERIOR COURT
CAUSE NO:

AFFIDAVIT FOR PROBABLE CAUSE

I, Craig Whited, a Drug Diversion Investigator for the Indiana Office of Attorney General, Medicaid Fraud Control Unit, have probable cause to believe that Lindsay Plake did commit the following crimes in the County of Howard, State of Indiana:

I.C. 35-48-4-14(c) – Obtaining a Controlled Substance by Fraud – a Level 6 Felony
I.C. 35-48-4-14(a)(3) – Failure to Make, Keep, or Furnish a Record – a Level 6 Felony
I.C. 35-48-4-14(b)(3) – Furnishing False or Fraudulent Information – a Level 6 Felony
I.C. 35-43-4-2(a) – Theft, a Class A Misdemeanor

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 Silver Birch of Kokomo 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 purpose 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. On 10-30-2024 the State of Indiana received a complaint from Administration at Silver Birch of Kokomo that facility residents [REDACTED] accused a Qualified Medication Aid (QMA) identified as Lindsay Plummer of not giving them their narcotic medications as signed out on Controlled Drug Records, and this case was later assigned to this Investigator.
4. QMA Lindsay Plummer is now married, and her legal last name is now “Plake.” Because her legal last name was “Plummer” for much of the time that she was employed at Silver Birch of Kokomo, her name of “Lindsay Plummer” and her initials of “LP” are what commonly shows on facility records and patient files.

5. QMA Lindsay Plake has a DOB of [REDACTED] and is a Qualified Medication Aid (QMA) with the license number of QMA2101101. QMA Plake was an employee of Silver Birch of Kokomo from 03-05-2024 until she was terminated on 10-30-2024.

6. Silver Birch of Kokomo is a long-term care facility (nursing home) located at 408 South Washington Street, Kokomo, IN, 46901, in Howard County, Indiana. Silver Birch of Kokomo 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), QMA Plake 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: Silver Birch of Kokomo, as long as she is acting in the usual course of his employment.

7. Silver Birch of Kokomo 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, 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 such as 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. § 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.

8. Silver Birch of Kokomo utilizes Extended Pharmacy to provide pharmacy services to their long-term care facility, and Silver Birch of Kokomo receives regular deliveries of medication, including controlled substances, in the form of daily deliveries from Extended Pharmacy.

9. Silver Birch of Kokomo utilizes Medication Carts ("Med Carts") to store and dispense medications to patients within their facility. Each wing or unit at the facility has its own Med Cart assigned to that wing or unit, and that Med Cart will contain medications prescribed to the residents who live in that wing or unit. These Med Carts are locked, and it requires a key to unlock it to access the medications contained within the cart. Silver Birch of Kokomo utilizes Qualified Medication Aides (QMAs) to administer medications to the patients, so a QMA will be assigned to that wing and its Med Cart and will have the keys to unlock that Med Cart to access the medications inside of it. QMAs remove medications from the Med Cart per physician order, then dispense them to the appropriate patient, and then make appropriate records.

10. When a QMA that is assigned to a wing and its Med Cart begins their shift, they will do a count of the medication inside the Med Cart with the outgoing QMA they are relieving. Once the controlled substances have been counted together, the incoming QMA takes control of the Med Cart and its keys from the outgoing QMA, and the incoming QMA now has the only keys to unlock the Med Cart until that QMA ends their shift and does a medication count with the new incoming QMA that is relieving them.

11. Silver Birch of Kokomo's policy is that when a QMA assigned to a Med Cart withdraws controlled substance medications from the Med Cart, that assigned QMA will *initial and date* a paper Controlled Substance Record that shows the date, time, and amount (dose) of the medication they withdrew from the cart to be given to a facility resident. For the purposes of this investigation: QMA Plake's initials on the Controlled Drug Records are "LP" for "Lindsay Plummer."

12. Silver Birch of Kokomo titles their Controlled Substance Records as "Narcotic Inventory Sheets;" and staff will commonly verbally refer to them as "Narcotic Count Sheets" or other similar names depending on the staff member. When a QMA initials that they withdrew a controlled substance medication on the Controlled Substance Record, it shows that they removed one of the doses from the Med Cart. This keeps a running count/inventory of the remaining controlled substances in the Med Cart, along with the signed name or initials of the staff member who withdrew the controlled substance medications.

EXTENDED

Narcotic Inventory Sheet

C. Robert
KshawResident Name:
Medication Name:
Date Received:100 S WASHINGTON STREET
HYDROCODONE-APAP 5-325-1 TAB
07/26/24 21 TAB KOKTAKE 1 TABLET BY MOUTH
THREE TIMES DAILY AS
NEEDED FOR PAIN.

Date	Time	Amount on Hand	Amount Given	Amount Remaining	Staff Initials		
					AM	PM	NOC
		30					
		29					
		28					
		27					
		26					
		25					
		24					
		23					
		22					
		21					
8/2/24	730p	20	1	19			
8/10/24	730p	19	1	18			
8/20/24	7p	18	1	17			
9/13/24	8p	17	1	16			
9/13/24	8p	16	1	15			
9/30	8p	15	1	14			
10/10	1030p	14	1	13			
10/11	7p	13	1	12			
10/24/24	6p	12	1	11			
10/27/24	830p	11	1	10			
10/28/24	830p	10	1	9			
		9					
		8					

C. Robert
Kshaw
11/1/24

13. When medication is given to the patient, the QMA must also complete an entry in the facility's electronic Medication Administration Record (eMAR or MAR) to show that they gave the medication to the patient. The MAR records the date/time/quantity and reason for giving a patient medication and shows which QMA administered it; and the QMA's initials will appear in the MAR as showing the QMA who administered the medication. For the purposes of this investigation: QMA Plake's initials in the MARs appear as "LP" for "Lindsay Plummer."

Community	Silver Birch of Kokomo										Pharmacy		Extended Pharmacy #2						Physician		Griffin, Marley											
Allergies	Asenolol, Lisinopril																															
Advance Directive		Advanced Directive: DNR																														
Sched for Oct 2024	Hours	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
BLOOD GLUCOSE CHECK QD one time a day related to TYPE 2 DIABETES MELLITUS WITH FOOT ULCER (E11.621) Before meals -Start Date- 07/23/2022 0700	BS	131	152	133	217	131	162	185	157	141	131	108	183	164	135	X	106	167	310	180	132	119	125	124	174	120	146	172	138	154	119	164
	MED 0	✓ PR	✓ PR	✓ JGS	✓ EKR	✓ LP	✓ KHA	✓ CJ	✓ PR	✓ CJ	✓ LP	✓ EKR	✓ CJ	✓ CJ	✓ EKR	✓ CJ	✓ EKR	✓ CJ	✓ PR	✓ EKR	✓ KS	✓ PR	✓ CJ	✓ PR	✓ CJ	✓ ah	✓ CJ	✓ CJ	✓ EKR	✓ PR	✓ EKR	✓ CJ
FERROUS SULF 325MG*GRN-I TAKE 1 TABLET BY MOUTH EVERY OTHER DAY (Indications for Use: ANEMIA) -Start Date- 12/05/2022 0700	MED 0	✓ PR	X	✓ LP	X	✓ LP	X	✓ CJ	X	✓ CJ	X	✓ EKR	X	✓ CJ	X	✓ CJ	X	✓ CJ	X	✓ EKR	X	✓ PR	X	✓ PR	X	✓ ah	X	✓ CJ	X	✓ PR	X	✓ CJ

14. Silver Birch of Kokomo utilizes a computer program called "Point Click Care" (PCC) for staff members to electronically chart the medical care they give to facility residents. In PCC, both the regular medications and controlled substance medications are listed below the resident's profile on the computer program. Therefore, when a QMA charts the administration of medication to a resident, they will electronically *chart in PCC their administration of both regular medications and controlled substance medications* to the facility's residents.

15. Silver Birch of Kokomo allows a 2-hour window for QMAs to pass the scheduled prescribed medications to the residents they are assigned to. For example: if residents are ordered to receive daily medications at 8am, the QMAs will have between 7am and 9am to get those 8am daily scheduled medications administered to the residents. After the QMA gives the medication to the resident and then charts in PCC that they gave the medication to the resident: PCC will automatically will then automatically chart the administration of that medication in the "8am row" of the medication's MAR. This means that if a regular scheduled medication shows an administration time of 8am, the medication could have been administered any time between 7am and 9am.

Community	Silver Birch of Kokomo										Pharmacy	Extended Pharmacy #2										Physician	Griffin, Marley									
Allergies	Atenolol, Lisinopril																															
Advance Directive	Advanced Directive: DNR																															
Sched for Aug 2024	Hours	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
METFORMIN ER 500-1 TAB TAKE 2 TABLETS BY MOUTH TWICE DAILY (Indicated)	0800	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
		CJ	EKR	CJ	CJ	CJ	PR	CJ	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
2000		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
		LP	LP	JP	JP	JP	PR	JP	JP	JP	JP	LP	LP	LP	JP	JP	LP	JP	JP	LP	JP	JP	JP	JP	LP	LP	LP	JP	JP	CJ	LP	Lmo
Diagnoses: TYPE 2 DIABETES MELLITUS WITH FOOT ULCER (E11.621) -Start Date- 04/16/2024 0800																																
NIFEDIPINE ER 30MG-1 TAB TAKE 1 TABLET BY MOUTH DAILY "HOLD IF SBP<120" (Indications for Use: blood pressure) -Start Date- 01/20/2024 0801	0801	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
		CJ	EKR	CJ	CJ	CJ	PR	CJ	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
		LP	LP	JP	JP	JP	PR	JP	JP	JP	JP	LP	LP	LP	JP	JP	LP	JP	JP	LP	JP	JP	JP	JP	LP	LP	LP	JP	JP	CJ	LP	Lmo

16. However, “PRN” or “as-needed” medications are ‘time-stamped’ in the MAR showing the exact time that a QMA charted that they gave a resident a PRN as-needed medication.

Community	Silver Birch of Kokomo										Pharmacy	Extended Pharmacy #2										Physician	Griffin, Marley									
Allergies	Atenolol, Lisinopril																															
Advance Directive			Advanced Directive: DNR																													
Sched for Oct 2024	Hours	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
	Pain Level																															
HYDROCOD-APAP 5-325-I TAB TAKE 1 TABLET BY MOUTH THREE TIMES DAILY AS NEEDED FOR PAIN(Related Diagnoses: PAIN, UNSPECIFIED (R52)) -Start Date- 07/27/2024 0059 -D/C Date- 11/04/2024 0100	PRN																															

17. The Controlled Drug Record and the MAR serve as the official records of the medications administered to a patient and are part of the patient’s permanent medical record. The employee is required to complete these records each time a drug is removed and/or administered. It is vital for patient safety to document the administration of a drug on the MAR, so that physicians and other service providers can make informed decisions about the care of the patient, and to prevent accidental overdoses. Any controlled substance that is removed from the Med Cart for dispensing, but not actually given to the patient, must be destroyed with another staff member witnessing the destruction of the controlled substance. If a controlled substance medication is destroyed, the staff member would then fill out a corresponding drug destruction record.

18. QMA Patricia Ray and QMA Kristina Shaw are Qualified Medication Aides who are employed at Silver Birch of Kokomo; and on 10-29-2024 QMA Ray and QMA Shaw were doing a ‘shift change’ inventory count of controlled substance medications of a Med Cart. While doing this inventory count, they observed the Controlled Substance Records for the facility residents named [REDACTED]. And while reviewing these Controlled Substance Records, QMA Ray and QMA Shaw observed that QMA Plake had an unusually high number of withdrawals of controlled substance medications from the Med Cart for these three facility residents.

19. This high withdrawal count of controlled substance medications by QMA Plake for [REDACTED] concerned QMA Ray and QMA Shaw because the controlled substance medications for these residents are “PRN” (as needed); and these residents rarely, if ever, request their controlled substance medications. It also concerned them because almost all the withdrawal of their controlled substance medications were made by QMA Plake. QMA Ray and QMA Shaw then shared their concern with Director of Nursing (DON) Lisa Bonnell.

20. Upon being notified of QMA Ray and QMA Shaw’s concern, DON Lisa Bonnell then conducted an internal investigation on behalf of the facility. During her internal investigation, DON Bonnell reviewed the Controlled Substance Records for [REDACTED] and

confirmed that QMA Plake had withdrew controlled substance medications 26 times from the Med Cart for the residents by seeing QMA Plake's initials of "LP" on each withdrawal entry on the Controlled Drug Records.

21. DON Bonnell also confirmed that, of the 27 different withdrawals of controlled substance medications for the three residents, that QMA Plake had made 26 of the 27 withdrawals. Only one other QMA named Karen Brogna withdrew a hydrocodone for [REDACTED] on 06-28-2024; and all of the remaining 26 withdrawals had been made by QMA Plake.

22. DON Bonnell then observed that of the approximately 26 withdrawals of narcotic medications that QMA Plake had initialed that she withdrew, that QMA Plake only charted administering *one* dose of hydrocodone 5-325 to [REDACTED] on October 28th, 2024 in Marcia's Medication Administration Record.

23. DON Bonnell then interviewed [REDACTED] who told her (DON Bonnell) that they did not request their narcotic medications from QMA Plake, nor did they receive them.

24. DON Bonnell then spoke with QMA Plake about these discrepancies, and QMA Plake denied that she diverted the medications. QMA Plake stated that she gave the residents the medications, but that she could not recall charting the administration of the medications into the residents' MARs. But due to [REDACTED] [REDACTED] being alert and orientated and not having a history of making false allegations, Silver Birch of Kokomo made the decision to terminate QMA Plake's employment with the facility due to suspicion of diverting medication.

25. When this Investigator reviewed the Controlled Substance Record and MAR for [REDACTED] for 08-02-2024 through 10-28-2024, I observed:

a. QMA Plake was the only staff member that withdrew hydrocodone 5-325 for [REDACTED] [REDACTED]. No other facility staff members were withdrawing the hydrocodone for [REDACTED].

b. QMA Plake had initialed that she had withdrawn hydrocodone 5-325 tablets out of the Med Cart for [REDACTED] on:

1. 08-02-2024 at 7:30pm
2. 08-10-2024 at 7:30pm
3. 08-20-2024 at 7pm
4. 09-13-2024 at 8pm
5. 09-26-2024 at 8pm
6. 09-30-2024 at 8pm
7. 10-10-2024 at 10:30am
8. 10-24-2024 at 6pm
9. 10-27-2024 at 8:30pm
10. 10-28-2024 at 8:30pm

c. QMA Plake only charted in the MAR the administration of one dose of the hydrocodone 5-325 to [REDACTED] on 10-28-2024. For the remaining nine withdrawals of the hydrocodone 5-325, QMA Plake did not indicate what she did with the doses of medication. She did not chart that she administered them to [REDACTED], or destroyed them, or returned them to the Med Cart.

26. When this Investigator reviewed the Controlled Substance Record and MAR for [REDACTED] for 06-28-2024 through 10-28-2024, I observed:

a. QMA Plake was the only staff member that withdrew hydrocodone 5-325 for [REDACTED]. No other facility staff members were withdrawing the hydrocodone for [REDACTED].

b. QMA Plake had initialed that she had withdrawn hydrocodone 5-325 tablets out of the Med Cart for [REDACTED] on:

1. 10-03-2024 3:30pm
2. 10-05-2024 at 4pm
3. 10-05-2024 at 8pm
4. 10-06-2024 at 8pm
5. 10-28-2024 at 8pm.

c. QMA Plake did not chart or indicate what she did with these doses of hydrocodone. She did not chart that she administered them to [REDACTED], or destroyed them, or returned them to the Med Cart.

27. When this Investigator reviewed the Controlled Substance Record and MAR for [REDACTED] for the dates of 09-27-2024 through 10-27-2024, I observed:

a. QMA Karen Brogna had initialed and dated that she withdrew an oxycodone 5mg tablet from the Med Cart on 09-27-2024 at 10:50pm; and QMA Brogna charted in [REDACTED] MAR that she administered the dose to [REDACTED] at 11:05pm.

b. Other than QMA Brogna's one withdrawal on 09-27-2024, the 11 other withdrawals of [REDACTED] oxycodone from the Med Cart were made by QMA Plake.

c. QMA Plake had initialed that she had withdrawn oxycodone 5mg tablets out of the Med Cart for [REDACTED] on:

1. 09-30-2024 at 8:30pm
2. 10-01-2024 at 4pm
3. 10-02-2024 at 8:30pm
4. 10-03-2024 at 8:30pm
5. 10-09-2024 at 8:30pm
6. 10-10-2024 at 6:30am
7. 10-15-2024 at 8:30pm
8. 10-24-2024 at 8:30pm

- 9. 10-25-2024 at 8:30pm
- 10. 10-26-2024 at 8:30pm
- 11. 10-27-2024 at 8:30pm

d. QMA Plake did not chart or indicate what she did with these doses of oxycodone for [REDACTED]. She did not chart that she administered them to [REDACTED], or destroyed them, or returned them to the Med Cart.

28. When this Investigator further reviewed QMA Plake's time records for her shifts at Silver Birch of Kokomo, I observed that QMA Plake was off duty on 10-02-2024 when she initialed and dated that she withdrew a dose of oxycodone for [REDACTED]. With being off duty on 10-02-2024, QMA Plake would not have had the keys to unlock the Med Cart to access the oxycodone.

29. When this Investigator interviewed [REDACTED] separately, they all denied receiving their narcotic pain medications. [REDACTED] stated that they never ask for their pain medication and nor do they take them; and [REDACTED] stated that she asks for her pain medication but always gets told by staff that they only have aspirin or Tylenol to give her.

30. On 01-29-2025 this Investigator interviewed QMA Plake at the Elwood Police Department. QMA Plake chose the Elwood Police Department as the location of the interview, and I advised her at the beginning of the interview that she did not have to speak to me and that she could leave at any time. During this interview, QMA Plake denied diverting medication from the facility and residents, and stated that:

a. She used to work at the Silver Birch of Kokomo as a QMA from early March of 2024 until she was terminated approximately October 29th, 2024.

b. For most of the time that she worked at Silver Birch of Kokomo, her legal last name was "Plummer." But she is now married so her legal last name is now "Plake."

c. Her SSN is [REDACTED], her DOB is [REDACTED], and she still resides at [REDACTED]
[REDACTED]

d. As a QMA, she is supposed to initial and date the Controlled Substance Record when she withdraws a medication that is a controlled substance from the Med Cart.

e. The initials of "LP" on the Narcotic Inventory Sheets for [REDACTED]
[REDACTED] are her initials showing that she withdrew the medications.

f. For the withdrawal of [REDACTED] oxycodone where she initialed that she withdrew on 10-02-2024, which was a day she was off from work: she must have written the incorrect date when she withdrew the oxycodone from the Medication Cart.

g. [REDACTED] frequently requested to receive their pain medications, typically 2 to 3 times a week.

h. The reason why it is almost completely only her (QMA Plake) withdrawing controlled substance medications for the residents instead of other staff members is because she works a lot of hours, and she works 2nd shift, and day shift QMAs typically will not give 'PRN as-needed' pain medications to the residents.

i. She did not take any of the residents' medications and keep them for herself.

j. And she must have forgotten to chart that she administered those doses of the controlled substance medications to [REDACTED] in their respective MARs.

31. After QMA Plake stated that she must have forgotten to chart the administration of the controlled substance medications in the MARs for [REDACTED], this Investigator then reviewed the MARs for those residents where I observed that QMA Plake *appeared to chart her administration of all the regular scheduled medications prescribed to the residents, except for the controlled substance medications that she had initialed in the Controlled Drug Records that she had withdrew*. Specifically, I observed:

a. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 08-02-2024 at 7:30pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered gabapentin, metformin, potassium, tizanidine, and Vitamin D3 that same day to [REDACTED] for [REDACTED] 8pm scheduled medication pass.

b. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 08-10-2024 at 7:30pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered gabapentin, metformin, potassium, tizanidine, and Vitamin D3 that same day to [REDACTED] for [REDACTED] 8pm scheduled medication pass.

c. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 08-20-2024 at 7pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered gabapentin, metformin, potassium, tizanidine, and Vitamin D3 that same day to [REDACTED] for [REDACTED] 8pm scheduled medication pass.

d. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 09-13-2024 at 8pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered gabapentin, metformin, tizanidine, and Vitamin D3 that same day to [REDACTED] a for [REDACTED] 8pm scheduled medication pass.

e. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 09-26-2024 at 8pm and did not indicate what she did with the hydrocodone: QMA Plake charted

that she administered gabapentin, metformin, tizanidine, and Vitamin D3 that same day to [REDACTED] for [REDACTED] 8pm scheduled medication pass.

f. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 09-30-2024 at 8pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered gabapentin, metformin, tizanidine, and Vitamin D3 that same day to [REDACTED] for [REDACTED] 8pm scheduled medication pass.

g. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 09-30-2024 at 8:30pm and did not indicate what she did with the oxycodone: QMA Plake charted that she administered the medications Carvedilol and Hydralazine that same day to [REDACTED] for [REDACTED] 8pm scheduled medication pass.

h. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 10-01-2024 at 4pm and did not indicate what she did with the oxycodone: QMA Plake charted that she administered the medications Sevelamer at 4pm and Iprat-Albut at 5pm that same day to [REDACTED].

i. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 10-02-2024 at 8:30pm and did not indicate what she did with the oxycodone: QMA Plake was off-duty that date so there was no charting that showed that QMA Plake administered any medications to [REDACTED] that day.

j. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 10-03-2024 at 3:30pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 13 other regular medications that same day to [REDACTED] at approximately 7am, 8am, 11am, 2pm, and at 8pm.

k. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 10-03-2024 at 8:30pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered the medications of Carvedilol and Hydralazine that same day to [REDACTED] at approximately 8pm.

l. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 10-05-2024 at 4pm and again at 8pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 9 other medications that same day to [REDACTED] at her 8am scheduled medication pass, 5 more medications at approximately 8pm, and the medication Neomyc-Polymdexmeth at approximately 7am, 12pm, 5pm, and again at 8pm.

m. When QMA Plake initialed that she withdrew a hydrocodone 5-325 for [REDACTED] on 10-06-2024 at 8pm and did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 6 other medications that same day to [REDACTED] for her 8pm scheduled medication pass.

n. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 10-09-2024 at 8:30pm and she did not indicate what she did with the oxycodone: QMA Plake charted that she administered the medications Carvedilol and Hydralazine that same day to [REDACTED] for her 8pm scheduled medication pass.

o. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 10-10-2024 at 6:30am and she did not indicate what she did with the oxycodone: QMA Plake charted that she administered approximately 9 other medications that same day to [REDACTED] for her 8am scheduled medication pass.

p. When QMA Plake initialed that she withdrew a hydrocodone 5-325 tablet for [REDACTED] on 10-10-2024 at 10:30am and she did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 11 other medications that same day to [REDACTED] for her 8am scheduled medication pass.

q. When QMA Plake initialed that she withdrew an oxycodone 5mg tablet for [REDACTED] on 10-15-2024 at 8:30pm and she did not indicate what she did with the oxycodone: QMA Plake charted that she administered the medications Carvedilol and Hydralazine that same day to [REDACTED] at her 8pm scheduled medication pass.

r. When QMA Plake initialed that she withdrew a hydrocodone 5-325 tablet for [REDACTED] on 10-24-2024 at 6pm and she did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 6 other medications that same day to [REDACTED] that day at approximately 3pm, 5pm, and at 8pm.

s. When QMA Plake initialed that she withdrew a hydrocodone 5-325 tablet for [REDACTED] on 10-27-2024 at 8:30pm and she did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 4 other medications that same day to [REDACTED] at [REDACTED] 8pm scheduled medication pass.

t. When QMA Plake initialed that she withdrew a hydrocodone 5-325 tablet for [REDACTED] on 10-28-2024 at 8pm and she did not indicate what she did with the hydrocodone: QMA Plake charted that she administered approximately 6 other medications that same day to [REDACTED] for her 8pm scheduled medication pass.

u. When QMA Plake initialed that she withdrew a hydrocodone 5-325 tablet for [REDACTED] on 10-28-2024 at 8:30pm and she did not indicate what she did with the hydrocodone: QMA Plake charted that she gave [REDACTED] approximately 5 other medications that same day to [REDACTED] for her 8pm scheduled medication pass. She also charted that she administered a dose of benzonatate to [REDACTED] at approximately 9:11pm; and she also charted that she administered the hydrocodone 5-325 tablet (that she withdrew) to [REDACTED] at 6pm.

33. This investigation reveals that on at least one occasion between 08-02-2024 and 10-28-2024 Lindsay Plake knowingly or intentionally acquired possession of a controlled substance; to wit: hydrocodone, by

misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact in violation of I.C. 35-48-4-14(c).

34. This investigation reveals that on at least one occasion between 09-30-2024 and 10-27-2024 Lindsay Plake knowingly or intentionally acquired possession of a controlled substance; to wit: oxycodone, by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact in violation of I.C. 35-48-4-14(c).

35. This investigation reveals that on at least one occasion between 08-02-2024 and 10-28-2024 Lindsay Plake 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).

36. This investigation reveals that on at least one occasion between 08-02-2024 and 10-28-2024 Lindsay Plake 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).

37. This investigation reveals that on at least one occasion between 08-02-2024 and 10-28-2024 Lindsay Plake knowingly or intentionally exerted unauthorized control over narcotics belonging to the patient(s) of Silver Birch of Kokomo, with the intent to deprive Silver Birch of Kokomo and/or the patient(s) of Silver Birch of Kokomo of any part of their value or use.

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/Craig Whited

Affiant, Craig Whited

Drug Diversion Investigator

OAG-MFCU