

NOT FOR PUBLIC ACCESS

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

IN THE VANDERBURGH COUNTY COURT
CAUSE NUMBER. 82

STATE OF INDIANA

INFORMATION FOR:

VS

COUNT 1:
INTERFERENCE WITH MEDICAL
SERVICES
a Level 5 Felony
AGENCY: INDIANA ATTORNEY GENERAL

I.C. 35-45-21-5(b) and I.C. 35-45-21-5(c)(2)
CASE #: Not Available

KAYLA R. BELL

DOB:

SSN:

DLN:

COUNT 2:
FAILURE TO MAKE, KEEP OR FURNISH
RECORDS
a Level 6 Felony
AGENCY: INDIANA ATTORNEY GENERAL

I.C. 35-48-4-14(a)(3)
CASE #: Not Available

COUNT 3:
OBTAINING A CONTROLLED SUBSTANCE
BY FRAUD OR DECEIT
a Level 6 Felony
AGENCY: INDIANA ATTORNEY GENERAL

I.C. 35-48-4-14(c)
CASE #: Not Available

COUNT 4:
OBTAINING A CONTROLLED SUBSTANCE
BY FRAUD OR DECEIT
a Level 6 Felony
AGENCY: INDIANA ATTORNEY GENERAL

I.C. 35-48-4-14(c)
CASE #: Not Available

COUNT 5:
POSSESSION OF A NARCOTIC DRUG
a Level 6 Felony
AGENCY: INDIANA ATTORNEY GENERAL

I.C. 35-48-4-6(a)
CASE #: Not Available

COUNT 6:
POSSESSION OF A NARCOTIC DRUG
a Level 6 Felony
AGENCY: INDIANA ATTORNEY GENERAL

I.C. 35-48-4-6(a)
CASE #: Not Available

Count 1:

The undersigned says that in Vanderburgh County, State of Indiana, between December 1, 2023 and December 4, 2023, Kayla R. Bell, being a licensed health care provider did knowingly or intentionally physically alter the delivery or administration of a prescription drug, contrary to the form of the statutes in such cases made and provided by I.C. 35-45-21-5(b) and I.C. 35-45-21-5(c)(2) and against the peace and dignity of the State of Indiana.

Count 2:

The undersigned says that in Vanderburgh County, State of Indiana, between August 3, 2023 and December 11, 2023, Kayla R. Bell did recklessly, knowingly or intentionally fail to make, keep, or furnish a record as required by I.C. 35-48, 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.

Count 3:

The undersigned says that in Vanderburgh County, State of Indiana, between August 3, 2023 and December 11, 2023, Kayla R. Bell did knowingly or intentionally acquire possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception, subterfuge, 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 4:

The undersigned says that in Vanderburgh County, State of Indiana, between August 3, 2023 and December 11, 2023, Kayla R. Bell did knowingly or intentionally acquire possession of a controlled substance, to-wit: Oxycodone, by misrepresentation, fraud, forgery, deception, subterfuge, 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 5:

The undersigned says that in Vanderburgh County, State of Indiana, between August 3, 2023 and December 11, 2023, Kayla R. Bell did knowingly or intentionally possess Hydrocodone, pure or adulterated, a narcotic drug classified in Schedule II, contrary to the form of the statutes in such cases made and provided by I.C. 35-48-4-6(a) and against the peace and dignity of the State of Indiana.

Count 6:

The undersigned says that in Vanderburgh County, State of Indiana, between August 3, 2023 and December 11, 2023, Kayla R. Bell did knowingly or intentionally possess Oxycodone, pure or adulterated, a narcotic drug classified in Schedule II, contrary to the form of the statutes in such cases made and provided by I.C. 35-48-4-6(a) and against the peace and dignity of the State of Indiana.

Respectfully Submitted,

*Kyle Sprunger
Deputy Attorney General, Medicaid Fraud
Control Unit
Office of the Attorney General Todd Rokita*

*By: /s/Kyle Sprunger
Kyle Sprunger
Deputy Attorney General,
Attorney No. 37755-29*

WITNESSES:

*Vinnie Gieselman
Lauren Spieth*

STATE OF INDIANA

IN THE VANDERBURGH _____ COURT

COUNTY OF VANDERBURGH

CAUSE NUMBER: _____

STATE OF INDIANA

vs.

Kayla R. Bell

DOB: [REDACTED]

AFFIDAVIT FOR PROBABLE CAUSE

I, Vinnie Gieselman, Drug Diversion Investigator for the Office of the Indiana Attorney General, Medicaid Fraud Control Unit, have probable cause to believe that Kayla R. Bell, in Vanderburgh County, State of Indiana, did commit the following crimes:

I.C. 35-45-21-5(b)(2) Obstruction of Delivery of a Prescription Drug, a Level 5 Felony

I.C. 35-48-4-14(a)(3) Offenses Relating to Registration, a Level 6 Felony

I.C. 35-48-4-14(c) Offenses Relating to Registration, a Level 6 Felony

I.C. 35-48-4-6(a) Possession of a Narcotic Drug, a Level 6 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 Lauren Speith, Director of Nursing at Brickyard Healthcare-Woodbridge Care Center at the time of these incidents. I believe this witness to be truthful and credible.

- 1) Because this affidavit is being submitted for the purpose of obtaining an arrest warrant, 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) Kayla R. Bell was born [REDACTED]. She is a Licensed Practical Nurse (LPN), License #27076168A, and was licensed in the State of Indiana on September 28, 2018. She was employed at Brickyard Healthcare in Evansville, Vanderburgh County, Indiana from July 18, 2023 to December 12, 2023.
- 3) Brickyard Healthcare-Woodbridge Care Center is located at 816 N. First Ave., Evansville, Vanderburgh County, Indiana. Brickyard Healthcare and its pharmacy, Alixa Rx Pharmacy in Indianapolis, IN., registered with the Indiana State Board of Pharmacy (License #60006906B) utilize the Alixa automated drug dispenser to store and dispense medications to patients within their facility. Authorized personnel use their fingerprint or unique identifier to access pill cards from the Alixa automated dispenser per a physician's order, give them to the patient, and enter appropriate records in the electronic Medical Administration Record (MAR).
- 4) Under both state (I.C. 35-48-3-3 (e)(1)) and federal law (21 C.F.R. 1301.22), Bell is exempted from registering separately with the state or federal government to handle controlled substances due to being an authorized employee or agent of a registered party, to wit: Brickyard Healthcare, as long as she is acting in the usual course of the agent's or employee's business or employment.
- 5) Brickyard Healthcare-Woodbridge, 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. 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 removed for dispensing, but not actually given to the patient must be witnessed by another staff member, and may be destroyed. If destroyed, a drug destruction record must be made.

- 6) When controlled substances are removed from a pill card, the employee records a removal on the Controlled Substance Accountability Sheet, commonly referred to as a "Narcotic Control Sheet" which shows the date, time and amount (dose) of the controlled substance dispensed for the patient. It also contains the name or initials of the person removing the drugs. When medication is given to the patient, the nurse or QMA must also complete an entry in the facility's electronic Medication Administration Record (MAR). The MAR records the date/time/ quantity and reason for giving a patient medication and shows which nurse or QMA administered it. The Controlled Substance Accountability Sheet and 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.
- 7) Medications that are removed but are not given to the patient must be destroyed or "wasted" according to facility policy. This procedure requires that another nurse or QMA witness the waste, after both employees sign or initial the Controlled Substance Accountability Sheet next to the original entry showing that the drug was removed from the card. At shift change, the nurse or QMA going off duty and the nurse or QMA coming on duty conduct a count of narcotic medication to ensure that the quantity in the cart matches the number indicated on the Controlled Substance Accountability Sheet.
- 8) On February 28, 2024 I received records in response to a subpoena issued to Brickyard Healthcare-Woodbridge which included their internal investigation into this matter. It was discovered that on August 8, 2023, Kayla Bell received progressive disciplinary action related to an incident involving missing narcotics. Bell removed 4 Norco tablets from the Alixa automated dispensing unit and distributed just 2 of them. Bell could not explain where the other 2 tablets went.
- 9) On March 13, 2024 I conducted a recorded audible interview of Lauren Speith RN, Director of Nursing at Brickyard Healthcare-Woodbridge. Kayla Bell came under Speith's suspicion when she received an email alert from the facility's pharmacy (Alixa) stating that Bell had pulled an abnormally high volume of narcotic pulls (Norco and Tramadol), far more than that of her peers. Speith advised that she researched a period ranging from December 1st through December 7th of 2023. Speith noted that many of Bell's removals for these narcotics were not recorded as having been administered on the MAR. Likewise, there were no documented wastes to account for these drugs. Speith cited numerous occasions where Bell had pulled Norco and Tramadol that had not been documented as having been administered or wasted. After obtaining the Controlled Substance Accountability Sheets and MAR's I discovered the following discrepancies:

| <u>Resident</u> | <u>Date/Time</u> | <u>Drug</u> | <u>Qty.</u> | <u>Type</u> | <u>Comments</u> |
|-----------------|------------------|----------------------------|-------------|-------------|---------------------|
| D.S. | 08/03/23 1140 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| D.S. | 08/03/23 0849 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| S.D. | 08/03/23 ----- | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| S.D. | 08/03/23 1020 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| J.E. | 12/03/23 1100 | Hydrocodone/APAP 7.5/325mg | 1 tab | PRN | Not recorded on MAR |
| J.E. | 12/04/23 0720 | Hydrocodone/APAP 7.5/325mg | 1 tab | PRN | Not recorded on MAR |
| J.E. | 12/04/23 1315 | Hydrocodone/APAP 7.5/325mg | 1 tab | PRN | Not recorded on MAR |
| J.E. | 12/07/23 0715 | Hydrocodone/APAP 7.5/325mg | 1 tab | PRN | Not recorded on MAR |
| J.E. | 12/07/23 1310 | Hydrocodone/APAP 7.5/325mg | 1 tab | PRN | Not recorded on MAR |
| D.W. | 12/11/23 1305 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 11/20/23 0810 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 11/20/23 1220 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 11/20/23 1615 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 11/24/23 0800 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 11/30/23 1145 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 11/30/23 1830 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |

Dr. Phan Andrea's prescription order for resident M.V.'s Hydrocodone/APAP 5/325mg had a begin date of 11/16/23 for at total of 14 days (end date 11/30/23). The following dates reflect where Kayla Bell removed Hydrocodone/APAP 5/325mg from M.V.'s supply with no active physician order:

| | | | | | |
|------|---------------|--------------------------|-------|-----|---------------------|
| M.V. | 12/01/23 0740 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/01/23 1130 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/01/23 1600 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/03/23 0830 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/03/23 1250 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/03/23 1700 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/04/23 0740 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/04/23 1200 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |
| M.V. | 12/04/23 1600 | Hydrocodone/APAP 5/325mg | 1 tab | PRN | Not recorded on MAR |

- 10) On April 3, 2024, I, along with MFCU Nurse Investigator Julie Nicholson, conducted a recorded audible interview of Kayla Bell at the Warrick County Public Library (Bell Oaks Branch). Bell stated that she was working the 100 level (top floor) around the first week in December (2023) when she was told to clock out and leave by the Director of Nursing (Speith) and given a time to meet with members of administration the following day. Bell was informed that emails had been received from their pharmacy (Alixia) regarding the volume of narcotic removals involving residents J.V. (Tramadol) and M. V. (Norco). This led them to research count sheets and charting. They discovered multiple occasions where Bell failed to document her administrations of PRN narcotics on the MAR and narcotic book. Bell said that she was terminated for failing to document medications. I brought to Bell's attention the disciplinary form from August 4, 2023, reflecting that she had not documented administrations of Norco (Hydrocodone) on 2 of 4 removals. Comments from the form read that Bell could not explain what had occurred. I asked Bell to rationalize. Bell said she thinks she "screwed up the count sheets" but denied having taken the missing Norco. I then asked Bell if there were instances where she did take narcotic pills without authorization. Bell said she didn't take all that was on the list, but "there were a few times that I did." I asked her what drugs she took. She said Norco and Percocet. I asked her what her reasoning was for taking pills. She said that at the time she was having dental issues and was experiencing pain while also having financial issues

with no insurance to cover treatments. Bell was adamant that Tramadol was not one of the drugs that she stole even though there are numerous incidents where she failed to document her administrations for it on the MAR. I asked Bell why it wasn't a priority for her to document the Tramadol administrations. Bell claimed that she was too busy at the time. Bell stated that she did not know how serious it was to document administrations. I asked Bell how many times she removed Norco and kept some of them for herself. She said she believed the first time that she did so was in September 2023. She estimated that she had taken Norco from 4 different patients, but only remembered the name of one: Resident D.W. She estimated that she took a total 2 of his pills during 4 removals. Bell denied having taken any drugs from resident M.V.'s supply. Regarding the removal and administrations of narcotic drugs that occurred after the physician order had expired, Bell claimed that it was a common occurrence, claiming members of management would extend the order of a drug without checking with the prescribing physician, but added that they would have known it had been discontinued if they had just checked the MAR. Bell confessed that she also took Norco from resident S.D.'s supply. Bell estimated that she stole from his supply on 3 occasions, 1 pill per incident. Bell said that she did not remember having taken any drugs from resident J.E.'s supply. Bell stated that she stole 1 Percocet (Oxycodone) tablet from a large resident with the nickname of "C". This particular resident was identified by Brickyard Healthcare Paralegal John Myers to be C.Y.

Under questioning from Nicholson, Bell admitted that she removed narcotics without administering them, claiming that they were for QMA's. But Bell did not note any of these removals in the progress notes. There was a lengthy period of debate regarding how few the amount of pills Bell confessed to taking in relation to the number of incidents where Bell failed to document her administrations on the MAR. She later stated that she believed that she stole a total of 10 tablets.

- 11) After I obtained Controlled Substance Accountability Sheets and MAR's from Brickyard Healthcare for resident C.Y., I discovered the following discrepancies regarding Bell's failure to document wastes in the Substance Accountability Sheet, or administrations in the MAR for occasions where she recorded having removed Percocet (Oxycodone/APAP 7.5/325mg) on the Controlled Substance Accountability Sheet for resident C.Y.:

09/18/23: 1 occasion; 1700 hrs

09/21/23: 2 occasions; 0840 hrs and 1700 hrs

09/23/23: 2 occasions; 0840 hrs and 1620 hrs

09/25/23: 2 occasions; 0855 hrs and 1700 hrs

- 12) This investigation reveals that on at least one (1) occasion between December 1 and December 4, 2023, while working at Brickyard Healthcare/Woodbridge Center located in Evansville, Vanderburgh County, Indiana, Kayla Bell did recklessly, knowingly, or intentionally obstruct the delivery of a prescription drug when she removed/obtained a Schedule II controlled substance, to wit: Hydrocodone/APAP 5/325mg, to allegedly administer said medication to a resident while there was no active physician order, a Level 5 Felony, in violation of I.C. 35-45-21-5(b)(2).
- 13) This investigation reveals that on at least one (1) occasion between August 3 and December 11, 2023, while working at Brickyard Healthcare/Woodbridge Center located in Evansville, Vanderburgh County, Indiana, Kayla Bell did knowingly fail to make, keep, or furnish a record, a notification, an order form, a statement, an invoice, or information required for administrations of Schedule II Controlled Substances, to wit: Hydrocodone and Oxycodone, a Level 6 Felony, in violation of I.C. 35-48-4-14(a)(3).
- 14) This investigation reveals that on at least one (1) occasion between August 3 and December 11, 2023, while working at Brickyard Healthcare/Woodbridge Center located in Evansville, Vanderburgh County, Indiana, Kayla Bell did recklessly, knowingly or intentionally acquire possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription order, concealment of a material fact, or use of a false name or false address, to wit: Hydrocodone and Oxycodone, both Schedule II Controlled Substances, a Level

6 Felony, in violation of I.C. 35-48-4-14(c).

- 15) This investigation reveals that on at least one (1) occasion between August 3 and December 11, 2023, while working at Brickyard Healthcare/Woodbridge Center located in Vanderburgh County, Indiana, Kayla Bell knowingly or intentionally acquired possession of a controlled substance, to wit: Hydrocodone and Oxycodone, both Schedule II Controlled Substances, a Level 6 Felony, in violation of I.C. 35-48-4-6(a).

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.

Vinnie Gieselman

Vinnie Gieselman
Drug Diversion Investigator
Medicaid Fraud Control Unit
Office of the Indiana Attorney General

FINDING OF PROBABLE CAUSE

Before me, Judge Les C. Shively, Judge of the Vanderburgh Superior Court; Vinnie Gieselman, being duly sworn upon his oath, presented this Affidavit of Probable Cause, which is examined by the Court. From said examination the Court finds that probable cause does exist for the arrest of Kayla R. Bell, for the crimes of:

I.C. 35-45-21-5(b)(2) Obstruction of Delivery of a Prescription Drug, a Level 5 Felony

I.C. 35-48-4-14(a)(3) Offenses Relating to Registration, a Level 6 Felony

I.C. 35-48-4-14(c) Offenses Relating to Registration, a Level 6 Felony

I.C. 35-48-4-6(a) Possession of a Narcotic Drug, a Level 6 Felony

Date

6-13-25

Judge

Les C. Shively

ORDER FOR WARRANT AND BOND

The State of Indiana, by De3puty Attorney General Kyle Sprunger, files this Affidavit of Probable Cause, which has been examined by the Court. This Court having determined that probable cause does exist for the arrest of Kayla R. Bell, for the crimes of:

I.C. 35-45-21-5(b)(2) Obstruction of Delivery of a Prescription Drug, a Level 5 Felony

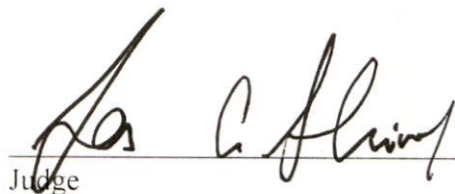
I.C. 35-48-4-14(a)(3) Offenses Relating to Registration, a Level 6 Felony

I.C. 35-48-4-14(c) Offenses Relating to Registration, a Level 6 Felony

I.C. 35-48-4-6(a) Possession of a Narcotic Drug, a Level 6 Felony

*The Court now orders the Clerk to issue a WARRANT for the arrest of the defendant and hereby orders a BOND to be set in the amount of: \$ 2,500.00
CASH/\$ _____ SURETY.*

6-13-25
Date


Judge