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U.S. DISTRICT COURT
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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>ELET NEILSON, aka Elet Hamblin,</p> <p>Defendant.</p>	<p>INDICTMENT</p> <p>COUNTS 1-8: 18 U.S.C. § 1365(a): Tampering with a Consumer Product</p> <p>Counts 9-16: 21 U.S.C. § 843(a): Fraudulently Obtaining Controlled Substance</p>
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Case: 1:17-cr-00043
Assigned To : Benson, Dee
Assign. Date : 07/12/2017
Description: USA v.

The Grand Jury Charges:

I. BACKGROUND

At all times relevant to this Indictment:

1. At all relevant times, defendant ELET NEILSON was an Emergency Room nurse. She received her associate's degree in nursing from Weber State University in Ogden, Utah in 2001. She was first licensed to practice as a registered nurse in the State of Utah on or about May 20, 2002, and worked as a registered nurse in Utah until she surrendered her license to the State of Utah Division of Occupational and Professional

Licensing on November 3, 2015. At that time, she agreed not to re-apply for her nursing license for five years.

2. From 2011 through 2013, defendant NEILSON worked at Davis Hospital in Layton, Utah, as a charge nurse in the Emergency Room. From about May 2013 through November 2014, NEILSON worked as a floor nurse in the Emergency Room at McKay-Dee Hospital in Ogden, Utah.

3. On October 25, 2013, NEILSON admitted to the Utah Division of Occupational and Professional Licensing that between August 2012 and April 2013, she had repeatedly stolen intravenous (IV) drugs intended for patient use from her employer, Davis Hospital in Layton, Utah. NEILSON left Davis Hospital in April 2013, and began working in the Emergency Department of McKay-Dee Hospital in Ogden, Utah in May 2013.

4. Hepatitis C (HCV) is a viral disease that is primarily transmitted through blood exposure. The disease can be deadly in some instances. There are different genotypes of HCV; one variant, HCV 2B, makes up only 8 to 10 percent of all Hepatitis C found in humans in Utah.

5. On an unknown date, defendant NEILSON became infected with HCV 2B.

6. In late 2014, the U.S. Centers for Disease Control and the Utah Department of Health began an investigation into a cluster of HCV 2B diagnoses in the Ogden region, which eventually focused on patients that were seen in the Emergency Department at McKay-Dee Hospital while defendant NEILSON was working there. The investigation ultimately determined that at least seven patients treated in the Emergency Room at

McKay-Dee Hospital between July 2013 and November 2014, each of whom were given intravenous opioid pain management drugs (either “Dilaudid” (Hydromorphone, a Schedule II Controlled Substance) or Morphine, a Schedule II Controlled Substance), that were handled by NEILSON before or during their administration, were infected with not only the same genotype of HCV 2B as NEILSON, but the same sub-genotype.

7. On December 9, 2014, defendant NEILSON admitted to the Utah Division of Occupational and Professional Licensing that between June 2014 and December 2014, she diverted quantities of the Schedule II Controlled Substances Dilaudid (Hydromorphone) and Morphine from the stock at McKay-Dee Hospital for her own use, and without authorization from her employer or a valid prescription, approximately once a week.

8. As a result of defendant NEILSON’s conduct, at least seven people have become infected with Hepatitis C 2B.

9. The allegations in Paragraphs 1 through 8 are adopted and incorporated into each of the counts of this Indictment.

COUNTS 1-8

**Tampering with a Consumer Product
18 U.S.C. § 1365(a)**

On or about the dates listed in the table below, in the Northern Division of the District of Utah,

ELET NEILSON, aka Elet Hamblin,

defendant herein, with reckless disregard for the risk that another person would be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk, did tamper with a consumer product that affected interstate and foreign commerce, specifically, the products listed in the table below, and with the labeling of and container for such product by diverting the narcotics and injecting it prior to use in another person; and serious bodily injury to any individual resulted; all in violation of Title 18, United States Code, Section 1365(a).

COUNT	DATE	PLACE	TAMPERED PRODUCT	VICTIM
1	9/8/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	RLB
2	9/16/2014	McKay-Dee Hospital Emergency Room	Morphine and Dilaudid (Hydromorphone)	RLB
3	9/16/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	SV
4	9/16/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	AT
5	9/17/2014	McKay-Dee Hospital Emergency Room	Morphine	SH
6	10/3/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	JG
7	10/10/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	JC
8	11/9/2014	McKay Dee Hospital Emergency Room	Morphine	AV

COUNTS 9-16

**Fraudulently Obtaining a Controlled Substance
21 U.S.C. § 843(a)(3)**

On or about the dates listed below, in the Northern Division of the District of Utah,

ELET NEILSON, aka Elet Hamblin,

defendant herein, did knowingly and intentionally acquire and obtain possession of the controlled substances named in the table below, which were Schedule II controlled substances, by misrepresentation, fraud, forgery, deception, and subterfuge; all in

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violation of Title 21, United States Code, Section 843(a)(3).

COUNT	DATE	PLACE	TAMPERED PRODUCT	VICTIM
9	9/8/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	RLB
10	9/16/2014	McKay-Dee Hospital Emergency Room	Morphine and Dilaudid (Hydromorphone)	RLB
11	9/16/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	SV
12	9/16/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	AT
13	9/17/2014	McKay-Dee Hospital Emergency Room	Morphine	SH
14	10/3/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	JG
15	10/10/2014	McKay-Dee Hospital Emergency Room	Dilaudid (Hydromorphone)	JC
16	11/9/2014	McKay Dee Hospital Emergency Room	Morphine	AV

A TRUE BILL:

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FOREPERSON OF GRAND JURY

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