

MINUTES OF THE
INDIANA STATE BOARD OF NURSING
ADMINISTRATIVE LAW JUDGE

will meet on
Thursday, December 8, 2022
at 8:30 a.m.

TO BE HELD THROUGH WEBEX
TO JOIN, CALL: (240) 454-0887
or LOG ON: indiana.webex.com
MEETING CODE: 172 253 3540

PLA Staff:

Nicholas Hart
Toni Herron
Rebecca Tinsley
Ashlee Gentry
Rose Kremple
Kayla Perkins
Catherin Briney

ALJ: Jason King, DNP, RN

Advisory Counsel:

Claire Dyer
Donald Hannah

Court Reporter: Sheila Jones

I. Personal Appearances

1. Ashley Combs - CONTINUED
2. Elizabeth Cole: Cole appeared on a positive response on a renewal application. She indicated that she wasn't sure if any employer would've said she was fired so she answered "yes." The ALJ recommended renewing free and clear.
3. Bree Dorrance: Dorrance appeared on a positive response on a renewal application and spoke about her termination from a residential psychiatric facility. She indicated that she was terminated because the facility usually takes the side of the patient to keep in good standing with DCS. The conduct related to children leaving the building. Neglect charges were pursued against Ms. Dorrance. The ALJ recommended renewing Dorrance's license and referring a consumer complaint.
4. Sherrell Duncan: Failed to appear. Reschedule.
5. Cynequa Ervin: Ervin appeared on a positive response on a renewal application and indicated that she has a conviction for DUI since her last renewal. Her BAC at the time of the DUI was 0.16. Ervin indicated that her criminal case has concluded. She was arrested in 2019 and failed to disclose on her 2019 renewal. ALJ recommended renewal free and clear.

6. Vilma Flores: Flores appeared with counsel Todd Ess on a positive response on a renewal application. In September 2021, Flores was charged with felony DUI because of 0.18 BAC and a child was in the car. The case remains pending. ALJ recommends renewal on probation with typical terms, quarterly reports, signed board orders, ISNAP referral (if they recommend RMA, she must enter). Length of probation is for criminal probation length or RMA length, whichever is longer, but at least for 1 year. Must keep board apprised of her contact information and that of her employer. Aggravating factors: BAC, child in car, pending court case. Flores agreed to the terms.
7. Alicia Gibson: Gibson appeared on a positive response on her renewal application. She answered “yes” to all questions on renewal. She indicated that was an error. The ALJ recommended renewing her license free and clear.
8. Devine Gordon: Gordon appeared on a positive response on renewal application. Gordon was on a travel assignment and got into a disagreement with the DON/supervisor. Gordon ended up trying to quit the assignment. The facility filed a complaint indicating that Gordon was intoxicated at work. Gordon denied this. Gordon was also terminated from the travel nursing agency. The ALJ recommended renewing the license and referring a consumer complaint.
9. Amber Greek: Greek appeared with counsel Todd Ess on a positive response on a renewal application relating to a conviction/pretrial agreement for theft. The ALJ recommended renewal of the license free and clear.
10. Michelle Clay: Clay appeared on a positive response on a renewal application. She failed to “sign a book” and was terminated for it. She indicated that she has never been in trouble at work before. The ALJ recommended that her license be renewed free and clear.
11. John Robinson: Robinson appeared on a positive response on his renewal application. Robinson indicated that he had been terminated for being in possession of narcotics belonging to the facility. He also has pending criminal cases for narcotics possession. Robinson indicated that he had been using the narcotic medications. Robinson indicated he took them out of curiosity but doesn’t have an ongoing issue with narcotics. He indicated that he went to IOP to get ahead of possible discipline before the Board. The ALJ recommended renewal with referral of a consumer complaint with the AG’s office. He currently has a pending investigation already with the Attorney General.
12. Kris Dasch: Dasch appeared on a positive response on a renewal application. She indicated that she was disciplined due to an incorrect count on a narcotics count. She indicated that she counted with a QMA. Following the issue, she volunteered to do a witnessed drug screen. She attempted to schedule the drug screen, and no one could tell her where to go. She resigned from that employer. She also obtained her own drug test. She indicated that there is an AG investigation ongoing related to this issue. The ALJ recommended renewing and referring a consumer complaint to the AG’s office.
13. Jayne Harvey: Harvey appeared on a positive response on a renewal application. She indicated she was arrested for DUI in 2021. She indicated that she wasn’t impaired but was arrested for refusing an ambulance. She reported that she has a seizure disorder. A drug test indicated she had THC in the blood, but she stated that was due to consuming gummies the week prior. She’s finished her court case. The ALJ recommends renewal free and clear.
14. Cassandra King: King appeared on a positive response on a renewal application. She was arrested in 2020 and convicted in 2021 of a “felony drug charge.” She indicated that she’s on probation until 2026. She is currently enrolled in an RMA. Abigail Rosa of IPRP indicated that she is currently enrolled in an RMA which is set to end in 2026. She has received an addendum due to missed check-ins and a missed screen but has been compliant since the addendum. The ALJ recommends renewing on probation until the length of criminal probation or RMA, whichever is longer. Signed Board orders, quarterly reports, compliance with laws and criminal probation, and ISNAP. Inform the Board of relapse, arrests, discipline. King agreed to the terms of probation.

15. Lois Kingery: Kingery appeared on a positive response on a renewal application with attorney Todd Ess. Kingery took possession of some medication at work by request of someone at her place of employment. Some medication then went missing. There is a pending consumer complaint. She was terminated from work. The ALJ recommended renewing and referring a consumer complaint to the AG.
16. Traci Lindfors: Failed to appear. Reschedule.
17. LeAndria Lowder: Lowder appeared on a positive response on her renewal application. She indicated that she developed an addiction to crack cocaine during Covid. She was charged with possession of marijuana and cocaine in August 2022. She is in IOP. She has a pending criminal case. The ALJ recommended renewing her license on probation. Probation for the length of her RMA or criminal probation, whichever is longer. ALJ requires that she contact IPRP for ISNAP evaluation. Quarterly reports and at least one year of active practice. Signed board orders. Apprised of changes, comply with criminal probation. Lowder agreed with the terms of probation.
18. Diana Means: Means appeared with counsel Cynthia Marcus. Means was terminated for failing to report a patient fall. Means didn't witness the fall and did not think the patient had fallen. Means has no previous issues as a nurse. The ALJ recommended renewing and referring a consumer complaint to the AG.
19. Catherine Moon: Moon appeared on a positive response on her renewal application. Moon was terminated and her DON refused to give her documentation of such. Moon indicated that she suspects her termination was due to incorrect administration of a medication and giving a patient Ensure without an order. She also forgot to report those issues. Moon also had a miscommunication with another nurse about medications that were supposed to be administered to a patient. Moon also reported that she had an unrelated patient complaint. Moon also reported that she had a brief attendance issue. The ALJ recommended renewal free and clear.
20. Bernard Mun: Mun appeared on a positive response on his renewal application. Mun indicated that he answered positively in error. The ALJ recommended renewal free and clear.
21. Sarah Newport: Newport appeared on a positive response on her renewal application. Newport indicated that she was convicted of a DUI on May 13, 2022. Her BAC was 0.174. Her criminal probation is due to end in August 2023. The ALJ recommended renewal on probation for the length of the criminal probation with quarterly reports, signed board orders, keep board apprised, compliance with criminal probation, inform the board of relapses/arrests/etc. Newport agreed to the terms of probation.
22. Julie Osborne: Osborne appeared on a positive response on her renewal application. Osborne indicated that she was arrested following a wellness check after a suicide attempt for resisting law enforcement. She has completed her criminal case. The ALJ recommended renewal free and clear.
23. Kyla Powell: Powell appeared on a positive response on her renewal application. Powell received an OWI in April 2021. Her BAC was 0.15. Powell was also terminated from her position due to the OWI because she was employed as a traveling hospice nurse which required her to drive. Her criminal case is complete. The ALJ recommended renewal of her license free and clear.
24. Roberta Rankin: Failed to appear. Reschedule.
25. Danny Revalee: Revalee appeared on a positive response on his renewal application. Revalee indicated that he was sleeping with a coworker on company property. Revalee reported the situation and was terminated as this was a violation of company policy. The ALJ recommended renewal of his license free and clear.
26. Tina Richmond: Richmond appeared on a positive response on her renewal application. She indicated that she was terminated from a rehab facility due to failing to document related a medication error (leaving Subutex on the med cart). The ALJ recommended renewal of her license free and clear.

27. Kelly Roberts: Roberts appeared on a positive response on her renewal application. She indicated that she got in trouble with work due to a medication error/being outside during shift. Due to a pending AG case, the ALJ recommends renewing and referring a consumer complaint to the AG.
28. Valorie Salazar: Failed to appear. Reschedule.
29. Erin Sapp: CONTINUED
30. Romeldia Shaffer: Shaffer appeared on a positive response on her renewal application. She indicated that she has a pending DUI charge. She has a court date in January 2023. Advisory Counsel Hannah advised Shaffer of her 5th Amendment rights. The ALJ recommended renewing her license on probation. Requirement for her to contact and do an intake evaluation with ISNAP. Length of probation for RMA or criminal probation, whichever is longer. Quarterly reports, signed board orders. Keep board apprised of changes, comply with criminal probation, inform the board of any future issues. Shaffer agreed with the terms of probation.
31. Megan Shelton: Shelton appeared on a positive response on her renewal application. She was arrested 3 times in one year. All criminal cases are concluded. The ALJ recommended renewal free and clear.
32. Jody Shively: Shively appeared on a positive response on her renewal application. She has a concluded criminal case for DUI. The ALJ recommended renewal of her license free and clear.
33. Kathy Smith: Failed to appear. Reschedule.
34. Dominique Suggs: Suggs appeared on a positive response on her renewal application. She was arrested in September 2021 during a failed suicide attempt due to depression. She was charged with battery due to swinging a knife and cutting her husband. She is now in counseling and on medication for a depression diagnosis. She reported that she is on unsupervised probation for her criminal case. The ALJ recommended renewal of her license free and clear.
35. Valencia Taylor: Taylor appeared on a positive response on her renewal application. She reported that she was terminated from an employer in 2020. A CNA informed an administrator that Taylor had slapped a resident. Taylor denied that this occurred. Taylor was suspended pending investigation. Taylor later received a call that she was terminated. The ALJ recommended renewing her license free and clear.

II. Probation Modification (Hearings begin at 10:30 a.m.)

1. In the Matter of the License of Nolan Foust, 28252023A
Administrative Cause No. 2020 NB 0091
DAG: None
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Cara Kelly with IPRP, Nicholas Hart
Exhibit(s): none
The ALJ recommended granting his modification by withdrawing his probation. The ALJ found Foust to be credible and he has positive reports from IPRP and his employer.

III. Probation Withdrawal

1. In the Matter of the License of Tyler Burkett, 28252447A
Administrative Cause No. 2019 NB 0183
DAG: None
Respondent: Present with counsel Todd Ess
Witness(es): Respondent, Brittany Sholtis with IPRP

Exhibit(s): Exhibit A (motion to dismiss from criminal case), Exhibit B (IPRP completion letter), Exhibit F (letter from Jim Ryser), Exhibit C (Board order), Exhibit(s) D 1-4, Exhibit E (letter from Meridian Plastic Surgery Center)
The ALJ recommended granting withdrawal of probation.

2. In the Matter of the License of Amber Gogel, 27075278A
Administrative Cause No. 2020 NB 0202
DAG: None
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Nicholas Hart
Exhibit(s): None
The ALJ recommended withdrawal of probation.
3. In the Matter of the License of Matthew Evans, 28230235A
Administrative Cause No. 2018 NB 0178
DAG: Alex James
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Brittany Sholtis with IPRP.
Exhibit(s): none
The ALJ recommended withdrawal of probation.
4. In the Matter of the License of Riley Harper-Schmith, 28229339A
Administrative Cause No. 2020 NB 0025
DAG: Alex James
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Tye Dominguez with IPRP, Nicholas Hart
Exhibit(s): none
The ALJ recommended withdrawal of probation.
5. In the Matter of the License of William Spencer, 28168953A
Administrative Cause No. 2016 NB 0393
DAG: Ryan Eldridge
Respondent: Respondent present with counsel Andrew Dollard
Witness(es): Respondent, Nicholas Hart
Exhibit(s): none
The ALJ recommended withdrawal of probation.
6. In the Matter of the License of Patricia Wark, 28190383A
Administrative Cause No. 2010 NB 0109
DAG: none
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Nicholas Hart
Exhibit(s): none
The ALJ recommended withdrawal of probation.
7. In the Matter of the License of Ann Webb, 28124421A
Administrative Cause No. 2019 NB 0336
DAG: none
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Tye Dominguez with IPRP, Nicholas Hart

Exhibit(s): none

The ALJ recommended withdrawal of probation.

8. In the Matter of the License of Amber Williams, 28220383A
Administrative Cause No. 2021 NB 0205

DAG: none

Respondent: Present and comfortable proceeding without counsel.

Witness(es): Respondent, Nicholas Hart

Exhibit(s): none

The ALJ recommends withdrawal of probation.

IV. Reinstatement

1. In the Matter of the License of Corrie Buntyn, 27056433A
Administrative Cause No. 2017 NB 1053

DAG: Ryan Eldridge

Respondent: Present and comfortable proceeding without counsel.

Witness(es): Respondent, Nicholas Hart

Exhibit(s): none

The ALJ recommended reinstatement on probation. Prior to practicing, Respondent must get a new ISNAP evaluation, she must obtain an MMPI-2 or its equivalent, she must follow all ISNAP recommendations, including entering into an RMA. She must complete a refresher course with a clinical component. Once all of that occurs, she may work on probation. Quarterly reports, signed board orders, compliance with statutes and rules, keep the board apprised. The indefinite probation shall last for a minimum of 2 years or the length of her RMA, whichever is longer. She must have active practice for a minimum of 1 year. She must complete 12 CEUs in professionalism and ethics, 12 in impaired nursing, and 12 in self-care and coping. 36 CEUs total. Prior to seeking withdrawal of probation, she must complete another MMPI-2 or its equivalent.

2. In the Matter of the License of Dana Chismar, 28185038A
Administrative Cause No. 2013 NB 0159

DAG: Alex James

Respondent: Respondent was present and comfortable proceeding without counsel.

Witness(es): Respondent, Brittany Sholtis from IPRP

Exhibit(s): none

The ALJ recommended reinstatement on probation. Probation will last for the length of her RMA (must remain in compliance with her RMA). Typical terms of probation, quarterly reports, signed board orders, keep the board apprised, remain in compliance, compliance will all statutes and rules.

3. In the Matter of the License of Maryellen Weigand, 28102257A
Administrative Cause No. 2012 NB 0219

DAG: Alex James

Respondent: Present and comfortable proceeding without counsel.

Witness(es): Respondent, Tye Dominguez from IPRP, Nicholas Hart

Exhibit(s): none

The ALJ recommended reinstatement on probation. Prior to working, she must complete a refresher course with a clinical component and submit proof. Must be on probation for a minimum of one year of active nursing practice. Typical terms of probation, quarterly reports, signed board orders, keep the board apprised, remain in compliance, compliance will all statutes and rules.

4. In the Matter of the License of Stephanie Wolfe, 27058760A
Administrative Cause No. 2011 NB 476
DAG: Alex James
Respondent: Present and comfortable proceeding without counsel.
Witness(es): Respondent, Nicholas Hart
Exhibit(s): none
The ALJ recommended denying her petition for reinstatement of her license.