

**MINUTES OF THE**  
**INDIANA STATE BOARD OF NURSING**  
**ADMINISTRATIVE LAW JUDGE**

on  
Tuesday December 5, 2023  
at 9:00 a.m.

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

**Administrative Law Judge:**

Kim Cooper, MSN, RN

**PLA Staff:**

Nicholas Hart  
Toni Herron  
Kayla Perkins  
Dinena Moore  
Catherine Briney  
Rose Krempel

**Advisory Counsel:**

Claire Dyer

**I. Personal Appearances**

1. Tonni R Drake: Drake appeared for a positive response on her renewal application. She indicated she is currently in sober living and working in a factory. She is no longer working in a nursing capacity. She was unable to keep employment in nursing due to being homeless. She reports that she is currently in a program and is one step 2 and 3. She already has a board order and recently contacted ISNAP in 2019. Per Tracy Traut's report, Drake scheduled an intake recently. The ALJ recommended adding ISNAP 6 months compliance with ISNAP, 2 years active practice once working, completion of RN refresher course before working, signed board orders. Modification of 2019 probationary order. Drake agreed to the terms. Drake reported a sober date of 6.23.23. She is working a program and reported that she is on step 3, but can't remember the different steps. Modification of 6 months of probation but she may not work until she has achieved 6 months ISNAP compliance.
2. Emily R Ehgott: CONTINUED
3. Regina Johnson: Failed to appear. Reschedule.
4. Rachael Talpas: Failed to appear. Reschedule.
5. Savannah Bradley: Indicated that she provided a positive response in error. The ALJ recommended renewal free and clear.
6. Mackenzie Matlon: CONTINUED

7. Natalie R Lipp: Lipp appeared for a positive response on her renewal application. It was related to a OWI from 8 years ago. She has no subsequent arrests and completed criminal probation. The ALJ recommended permitting her to test with issuance free and clear.
8. Andrea B. Cooke: CONTINUED
9. Joan A. Kane: Kane appeared for a positive response on her renewal application. She provided a positive response related to workplace discipline and licensure discipline. She is currently enrolled with ISNAP. She is working at Community and has been since October 2023. She is living in a halfway house. She reports doing well with her sobriety. Tracy Traut reports that Kane is in a 5 year RMA and has been since January 2023. She is compliant in her RMA. The ALJ recommends renewal on probation. The probation would run length of RMA, signed board orders, quarterly reports, 2 years active practice, keep board apprised of info, reporting requirements. Kane agreed to the terms.
10. Patricia Marie Guzzo - CONTINUED
11. Wendy Moore: Moore appeared for a positive response on her reinstatement application. She has an order of suspension from ISBN from 2015. She hasn't worked as a nurse since 2015. The ALJ made a recommendation to renew the license back on suspension.
12. Byron Arrivillaga: Applicant provided a positive response to question 1 in error. The ALJ recommended renewal free and clear.
13. Karen Sue Miller: Miller provided a positive response on her renewal application due to discipline from California. Miller got in trouble for changing the expiration date on her CPR card. This resulted in her voluntarily relinquishing her CA license. She expressed regret at her misconduct. The ALJ recommended renewal free and clear due to transparency, acceptance of responsibility, and long career without past discipline. Indiana is Miller's licensure home state since 1995.
14. Danielle Roberts: Roberts appeared for a positive response on her renewal application disclosing an investigation against her license in South Carolina. She disclosed that South Carolina is investigating. The ALJ recommended renewal with referral of a complaint with OAG.
15. Mini Sebastian: Sebastian appeared for a positive response on her renewal application. She indicated that the positive response was in error. The ALJ recommended renewal of the license free and clear.
16. Bobbi Jo Fischer: Fischer appeared for a positive response on her renewal application. She indicated it was in error. The ALJ recommended renewal free and clear.
17. Shane P. Donald: Donald appeared for positive responses on his renewal application. He indicated they were all in error. The ALJ recommended renewal free and clear.
18. Dawn T Vanbuskirk: Vanbuskirk appeared for a positive response on her renewal application with counsel Lorie Brown. She has a pending consumer complaint with OAG so answered question 1 in error. She answered question 3 with a positive response in error. She answered question 5 with a positive response on purpose. She was investigated at work due to a positive opioid drug screen while working at Community Hospital South. She has completed PHP and IOP. She was terminated from her employer. She is also enrolled in treatment with the VA for PTSD, attends NA, and nursing support groups. She was terminated from CHN while she was in rehab. She admitted that she was diverting from her workplace at CHN but said she never worked impaired. She indicated that she would take the medication when she got off work. She indicated that she took medications from the pyxis. She was investigated due to the volume of pulls from the pyxis in comparison to other nurses. She submitted to a drug test which resulted positive. Tracy Traut reported that she is enrolled in a 3-year RMA as of September 2023. She is in compliance with her RMA. Her diagnosis was opioid use disorder moderate. She is not currently working because

she reports wanting to take care of herself first. She has been a nurse since 2009 and had no problems until the summer of 2023. She reported that her son's behavior and her husband's PTSD triggered her to get off track. She had addiction issues for roughly 8 years, but only began diverting in the summer of 2023. It began with prescription drug use, then she got Norco from a friend, then she began diverting. The ALJ recommended renewal of the license on indefinite probation for minimum of 2 years, complete RMA compliance, signed board orders, quarterly reports, reporting requirements, minimum of 1-year active practice, keeping the board apprised of her info. Aggravating factors: length of addiction, severity of addiction, diversion from place of employment and pyxis, other drug-seeking behaviors including getting medication from a friend. Mitigating factor: transparency with the ALJ, The applicant agreed to the terms. VanBuskirk indicated that she is choosing not to work as a nurse at this time in an effort to work on herself.

19. Matthew David Clem: PR multiple questions - VACATED
20. Angela Diane Hershberger: Hershberger appeared for a positive response on her renewal. She reported the positive response was in error. The ALJ recommended renewal free and clear.
21. Robin Burkhart: Burkhart appeared for a positive response on her renewal application with counsel Lorie Brown. She provided a positive response to question 1 in error but should have provided a positive response to question 5. She indicated that her positive response was related to administration of the wrong medication to an 18-year-old home health patient. The patient was being treated for a hand infection with IV antibiotics. After administration of the medication the patient collapsed. The patient didn't have a pulse so Burkhart administered CPR. Burkhart believed that the patient was choking, so initial efforts were aimed at resuscitation and clearing the airway. The patient gasped for air and threw up. Burkhart resumed CPR. Burkhart noticed that she administered epinephrine by mistake. Burkhart disclosed the existence of an OAG investigation. The epinephrine was already in the home, and she mistook the vial for another vial of antibiotic. Burkhart has been a nurse for 29 years, primarily working in inpatient settings, without any incidents. Burkhart reported that she has been engaged in therapy following the event. She is currently on medical leave due to PTSD. She is still employed by the same employer where this incident occurred, and the agency is assisting her with her counseling. She reports that to her awareness, she's received no work discipline, there is no criminal case, and there is no pending lawsuit. Burkhart was emotional throughout her appearance and expressed extreme contrition for the event. Burkhart indicated that there were a number of distractions in the home, including barking dogs. The ALJ recommended renewal of the license on indefinite probation for a minimum of 18 months, minimum of 1 year of active practice, quarterly reports (self for now, employer for when she resumes work), signed board orders, keep Board apprised of her info, reporting requirements. The ALJ would also like referral of a consumer complaint to OAG. Aggravating factors: death of an 18-year-old patient. Mitigating factors: abundant transparency, seeking counseling/help, timely notification of EMS, that she started CPR timely, Burkhart took responsibility for her actions, 29 years of a positive record as a nurse. The applicant agreed to the terms.
22. Kathleen Breen Varley: Failed to appear. Reschedule.
23. Katherine Grubert: Grubert appeared for a reinstatement application with an expired license from 2014. She has no other state licenses. The ALJ recommended renewal of the license with the requirement that she complete a nursing refresher course with a clinical component before she works as a nurse.
24. Melinda Delph: Delph appeared for a positive response on her renewal application to questions 1 and 3. She indicated that the positive response to question 1 was in error. The positive response to question 3. She pleaded guilty to OWI and she is on ongoing criminal probation. She is not

- currently working due to a subsequent car accident. The ALJ recommended renewal on probation for 1 year or length of criminal probation. 6 months of active practice. Quarterly reports, signed board orders, keep board apprised of info, reporting requirements. Applicant accepted the terms.
25. Latasha Green: Green provided a positive response on her renewal application. She reported the positive response was in error. The ALJ recommended renewal free and clear.
  26. Melissa Kaye Viteri: Viteri appeared for a positive response on her renewal application. She provided a positive response to questions 1 and 3. Viteri indicated positive response on question 1 was in error as she thought it referred to criminal charges. She admitted that she provided a positive response to question 3 due to an OWI in Michigan. She reports that her criminal probation is complete with that case. She reports that she also had 2 OWI cases in Indiana from 2021. She has a warrant in one of her Indiana cases from October 2023. She reports that there is a fourth criminal case for OWI also from Michigan where charges are pending from August 2023. There is a 3<sup>rd</sup> OWI case also from 2021 in Michigan. Viteri reports that these incidents relate to a traumatic event that occurred to her for which she is currently in therapy. She indicates that she did have an alcohol problem but has attended rehab. She completed rehab in Niles, Michigan and they referred her to trauma therapy. She has been a nurse for 15 years and is currently working at a long-term care facility. She reported that her alcoholism was onset by being kidnapped and raped by a police officer in 2016 in Michigan. The ALJ recommended renewal of license on probation for minimum of 2 years, length of criminal probation, or length of RMA. 1 year active practice, quarterly reports, signed board orders, reporting requirements, keep board apprised. Make contact with ISNAP and enroll if RMA is recommended. Complete compliance with ISNAP. Mitigating: transparency and engagement in trauma therapy. Aggravating: 4 arrests related to alcohol consumption, high BAC on multiple arrests, open warrant in one case, pending criminal case, aware of ISNAP but hasn't engaged on her own, reported in 2021 to ISBN but didn't change behavior when no action was taken. Applicant agreed to the terms. Applicant reported that she has been sober since August 2023.
  27. Shelby Sacks: Sacks appeared for positive responses on her initial RN application. She already had a PA in March 2023 on her LPN endorsement application where she was placed on probation for failure to disclose. She redisclosed them on this RN application. The ALJ recommended issuance on probation for an indefinite probation, may not lift until November 1, 2024. Signed board orders, quarterly reports, active practice for length of probation, keep board apprised of info, reporting requirements. Aggravating factors: several criminal matters. Mitigating factor: abundant transparency.
  28. Nautyn McKay-Loescher: McKay-Loescher appeared with counsel Bradley Keffer regarding positive responses on his renewal application (to questions 1, 3, and 5). There is a pending administrative complaint. The applicant provided a positive response that may not already be part of the pending licensure case before the Board. The ALJ recommended referral of a consumer complaint to the OAG and renewal.
  29. Lisa J Greder: Greder provided a positive response on her renewal application that she indicated was in error. The ALJ made a recommendation to renew free and clear.
  30. Diana Jo Bjorneberg: Bjorneberg appeared for a positive response on her renewal application. She was denied licensure in multiple states but she previously disclosed the issue that was disciplined. She has been denied a NC license in 2023 due to the domino effect. The ALJ recommended renewal free and clear.