

MINUTES OF THE
INDIANA STATE BOARD OF NURSING
ADMINISTRATIVE LAW JUDGE

on
Monday, November 6, 2023
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

Administrative Law Judge:

Kim Cooper, MSN, RN

PLA Staff:

Nicholas Hart
Toni Herron
Kayla Perkins
Dinena Moore
Rebecca Tinsley
Rose Kremple

Advisory Counsel:

Claire Dyer

I. Personal Appearances

1. Lily Hartman: Hartman appeared for a positive response on her initial application with counsel Mario Massillamany. Hartman has already passed NCLEX. Hartman had an underage drinking ticket from her time at Ball State in 2016 and a 2018 OWI. She has already completed her criminal case. She had multiple letters of reference/recommendation from her instructors at Ivy Tech. The ALJ recommended issuance of the license free and clear.
2. Kasey Biggs: s
3. Kyle Newhard: Newhard appeared for a positive response on his renewal application. He has pending charges from November 2022 for possession of methamphetamine, marijuana, and a syringe while driving. He reports that his employer is not aware of the criminal case. He is working in Michigan and indicates that he is enrolled in the Michigan nurses assistance program and ISNAP. He reports that he is in IOP. Tracy Traut testified that he has stimulant use disorder sever and cannabis use disorder severe. He's signed a 5-year RMA (September 2023) and he has been compliant thus far. Once out of IOP he will be in the Michigan program, ISNAP will monitor that program. He also completed inpatient treatment at Tara Treatment Center in July 2023 prior to enrollment in IOP. He indicated that at the time of his arrest, he was not working as a nurse. He reports that the last time he worked as a nurse was in Michigan in 2022 for a few months. He reports that he was arrested in September 2020 for auto theft for borrowing a car from his sister that she later reported stolen. Ms. Traut expressed concern with a free and clear renewal and indicated that a probationary status would be safer for the public and Newhard. The ALJ

recommended renewal on indefinite probation for no less than 1-year (1-year active practice), complete RMA compliance, quarterly reports, signed board orders, reporting requirements (criminal case, relapse, work changes), keep Board apprised of his info, no working more than 45 hours per week if working on IN license, Mitigating factors: transparency, ISNAP testimony on his behalf. Aggravating: polypharmacy, stressful to return to nursing, he is new to drug treatment, serious pending criminal charges. Newhard agreed to the terms.

4. Shannon Benson - CONTINUED

5. Anna M. Bueno: Bueno appeared for a positive response on her renewal application. She disclosed the criminal matters (invasion of privacy, and battery resulting in bodily injury) timely when charged and again on her renewal application. She is on criminal probation through February 2024. The criminal case is related to a domestic dispute. Bueno indicated that the incident was related to an incident with a partner at home where the children were present and admitted that there was resulting injury. She reports that she is still living with her partner because they have a daughter. She reported that she called the police on the night that resulted in the criminal cases. She reported that the invasion charge related to being in person with her partner (the subject of the no contact order) after an agreement was tendered to the court terminating the no contact order. She didn't understand that the agreement was still in effect. The ALJ recommended renewal on indefinite probation for a minimum of the length of her criminal probation or 6 months of active practice, quarterly reports, signed board orders, keep board apprised of info, reporting requirements. Bueno agreed to the terms.
6. Jason Lamar Delagrange – Delagrange appeared for a positive response on his renewal application. He was terminated for a HIPAA violation. This related to texting a patient post-discharge. He got the contact information from her medical record. The text message was a personal text message not related to patient care. He reported that he was “having trouble in his marriage.” He took time off nursing after he was terminated to reflect on the situation. The ALJ recommended probation for a minimum of 1 year of active practice. 12 CEs in boundaries, 12 ethics/professionalism. Quarterly reports, signed board orders, keep board apprised, reporting requirements. Aggravating: invasive nature of offense, possible for harm to be unleashed from the event, self-centered understanding of the harm caused. Delagrange agreed to the terms.
7. Jean Herd: Herd appeared for a positive response on her renewal application. This related to work discipline for administering expired medications. She works at a low-income clinic and gave expired medications to patients that there is data/research that indicates strong efficacy post-expiration. She was eventually discharged. She has received subsequent employment. She has been a nurse for 30 years. She reported that she has never been discharged from a position before. The ALJ recommended renewal free and clear. Mitigating factors: clean record, active employment, long period of employment with organization she was terminated from, insight from the incident.
8. LaShaunda Nicole Hill: Hill appeared for a renewal. She did not include a positive response but there is an order from Illinois indicating that her license there was discipline in February 2023. She indicated that she failed to disclose in error. The ALJ recommended renewal free and clear.
9. Bailey Huffman: Huffman appeared for a positive response on her renewal application. This related to workplace discipline while working at Ascension. She was terminated and resigned at the same time. They cited a patient fall after the fact. She had been working at Ascension for 2 years when terminated. She has received no other discipline and has obtained subsequent employment. She expressed regret and explained what she would have done differently in retrospect. The ALJ recommended renewal free and clear.
10. Kathryn Koppenhofer: Koppenhofer appeared for a positive response on her renewal application. She disclosed an OWI from 2022. She is on probation for 1 year to end in June 2024. She holds other state licenses. The ALJ recommended renewal of the license on probation with active practice (minimum of 6 months) until completion of criminal probation. Quarterly reports, signed

board orders, keep Board apprised of info, reporting requirements. Koppenhofer agreed to the terms.

11. Teena Lavoie: Lavoie appeared for a positive response on her renewal application with counsel Cynde Marcus. She has a pending case for OWI since February. She was advised of her 5th Amendment rights. She disclosed the case timely to ISBN and completed ISNAP intake. Completed IOP. Tracy Traut indicated that Lavoie is on a 3-year RMA and is compliant since she entered in spring 2023. She was diagnosed with alcohol use disorder severe. She previously disclosed an arrest in Maine on her 2021 renewal. She indicated that the arrest was related to a domestic situation. She also disclosed an August 2020 OWI. The ALJ recommended renewal on indefinite probation for a minimum of 1 year of active practice (minimum of 6 months active practice), quarterly reports, signed board orders, keep board apprised of info, reporting requirements, complete RMA compliance. Aggravating: level of severity of SUD, alleged BAC, second arrest related to conduct implicating SUD. Lavoie agreed to the terms.
12. Taylor Leischman: Leischman appeared for a positive response on his renewal application. This related to workplace discipline for a termination from a position in Oregon for a report from NPDB in summer 2023. The NPDB report stems from an incident that occurred when Leischman was stationed working at Fort Leavenworth. Leischman indicates that this related to failure to get along with a boss who he felt was racist, homophobic, and xenophobic. The NPDB report indicated that there was a positive UDS specimen. Leischman reported that the positive specimen related to a hospitalization for a benzodiazepine (midazolam). He had a PRN prescription for a benzo to sleep. Ultimately, Leischman felt the incident was pretextual due to a negative relationship with his command. He was specifically suspicious because the sample was tested twice and resulted negative before it finally tested positive. The military/NPDB discipline resulted in suspension of privileges as a CRNA in the military. Ultimately, Leischman disclosed the military dismissed the action. Leischman disclosed the existence of an OAG investigation. Mitigating: believable narrative, long history of practice without discipline, transparency. The ALJ recommended renewal free and clear with referral to OAG.
13. Sarah McCulloch: Failed to appear. Reschedule.
14. Kindall Ray: Failed to appear. Reschedule.
15. Jessica Ressler: Ressler appeared for a positive response on her renewal application. She disclosed a 2022 criminal case for public intoxication on railroad tracks. She is on criminal diversion through November 2023. She is working at the same place of employment as when the incident occurred (Franciscan in Michigan City). They are aware of the criminal case. She had never been arrested before. Mitigating: no other legal history, employer is aware, same employer for 9 years, Ressler seemed to have thought she was walking in her backyard. The ALJ recommended renewal free and clear.
16. Jaime Sabate: Sabate appeared for a positive response on his renewal application with counsel Patrick Callahan. This related to a termination in January 2023 for two events: a medication error and failure to catch a critical lab value. These events occurred within a month or so of each other. He had worked at the facility for 3 years without incident. He self-reported these incidents for the patients. There was no lasting patient harm. He has obtained subsequent employment in long term care. The ALJ recommended renewal free and clear.
17. Ashley Binegar - VACATED
18. Allison Colbert: Failed to appear. Reschedule.
19. Gina Faucett: Failed to appear. Reschedule.
20. Jennifer Link: Link appeared for a positive response on her renewal application. The positive response related to a criminal case from July 2022. The BAC was 0.15 or greater and the criminal probation terminated in August 2023. She has not had past arrests/incidents with alcohol. She has

received no workplace discipline and is currently working. She expressed regret and embarrassment. The ALJ recommended renewal free and clear.

21. Krista Lubbehusen: Failed to appear. Reschedule.
22. Lauren Ferguson: Ferguson appeared for a positive response on her renewal application. Ferguson was advised of her 5th Amendment rights. She was pulled over from May 2020 for driving left of center/OWI (greater than 0.08 but less than 0.15) and has a subsequent pending OWI. The pending charge is pending and is a felony due to the previous OWI. Second OWI is from January 2021 and involves leaving the scene of an accident. Ferguson expressed regret and indicated that the second OWI related to an incident where she went to go help a friend's mother who had fallen on ice. She is currently working at DaVita after 5 years of not working as a nurse. The accident was actually caused by someone hitting her, but she failed to stop. She self-reported to ISNAP and is in an RMA. She attends meetings, therapy, and has a psychiatrist. Her ISNAP diagnosis is alcohol use disorder moderate in early remission, per Tracy Traut. She is fully compliant in her 3-year RMA. The ALJ recommended renewal on probation for a minimum of 1 year or length of criminal probation or 1 year of active practice, whichever is longer. Quarterly reports, signed board orders, keep board apprised of info, reporting requirements, complete ISNAP compliance. Aggravating: 2 OWIs close together, moderate SUD, leaving scene of accident, BAC at time of arrest at 0.15 or greater for second arrest. Ferguson agreed to the terms.
23. Shawn Frost: Failed to appear. Reschedule.
24. Vivian Perez: Perez appeared for a positive response on her renewal application. She disclosed that she was pulled over for driving the wrong way in August 2023/OWI. She was advised of her 5th Amendment rights as her case remains pending. Perez indicated that she has not been arrested before. She is working but her employer is not aware of this incident. She reports that she has a previous OWI from 2016 that stemmed from driving after a party where she drank and collided with a parked vehicle. Perez remains employed and reports no discipline at any place of work. She indicates that she is now abstaining from alcohol and hasn't had a drink since the August incident. The ALJ recommended renewal on probation for a minimum of 1 year (active practice) or resolution of criminal probation. Quarterly reports, signed board orders, keep board apprised of info, reporting requirements. Aggravating: second OWI offense, criminal matters have similar factual bases, absence of positive decision making. Mitigating: no ISNAP because she has already received a SUD evaluation that recommended no treatment. Perez accepted the terms.
25. Michelle Romano-Moss: Romano-Ross appeared for a positive response on her renewal application. She indicated that she works as a DON on a behavioral health unit and has done so for 10 years. They had a patient with an outburst that threatened staff and moved as though he was going to harm staff. The clinician pushed the patient ("chest thrust") and the patient fell. The patient was then escorted to his room and all proper steps were taken (called doctors, documented the incident, etc.). As a result of the incident, she and the clinician who pushed the patient were terminated. No previous arrests or work issues. The ALJ recommended renewal free and clear. Mitigating: working as the charge nurse, 10 years mental health experience and 15 as a nurse, no previous issues.
26. Susan Terry: Terry appeared for a positive response on her renewal application. Terry indicated that she was found to be impaired by alcohol while working. She entered into an RMA with ISNAP in March 2023. Tracy Traut reported that she has a 3-year RMA. She has a diagnosis of alcohol use disorder moderate. She has 100% RMA compliance. Terry had been sober since March 2011 due to past alcohol abuse and this incident was a relapse. Her employer is aware of this incident and she remains employed there. The ALJ recommended renewal on probation for a minimum of 18 months (with active practice), total RMA compliance, quarterly reports, signed

board orders, reporting requirements, keep Board apprised of her info. Aggravating: working under influence. Terry agreed to the terms.

27. Eric Vanderhoof: Vanderhoof appeared for a positive response on his renewal application. He disclosed that a police officer stopped at his house looking to find someone who owned a vehicle and by chance, he smelled marijuana when Vanderhoof opened his door. He is on pretrial diversion for possession. He is on a diversion for a year from July 2023. He expressed regret regarding the incident. The ALJ recommended renewal for length of criminal probation (active practice for length of probation), quarterly reports, signed board orders, keep Board apprised of info, reporting requirements, ISNAP evaluation and enter into an RMA if one is recommended.
28. Jana Wolf: Wolf appeared for a positive response on her renewal application. Wolf disclosed that she was impaired by alcohol while working. She self-reported to inpatient treatment at Fairbanks, IOP, and is enrolled in an RMA. Tracy Traut indicated that she entered into a 3-year RMA from June 2023. Alcohol use disorder severe was diagnosis, and she is fully compliant in her RMA. Wolf indicates that her workplace is aware of the incident and supports her. The ALJ recommended probation for the length of her RMA and at least 12 months of active practice, quarterly reports, signed Board orders, reporting requirements, and keeping the Board apprised of her information. Aggravating: work under influence, severity of addiction. Mitigating: sobriety for 8 months, employer support, self-seeking treatment.
29. Harold Grubb: Grubb appeared with counsel Lorie Brown regarding a positive response on his renewal application. This related to an incident at work where he completed a drug test that resulted positive for THC. Grubb indicated that this was impossible since he had not used THC since he was 17 years old. Grubb discovered that the positive result was likely due to a vape he bought and used and one of the vapes he bought and used had Delta 8. Grubb completed an EAP program and completed an evaluation with his own personal psychiatrist to complete a screening. He remains employed at Beacon, the same employer as from the incident. His employer believed that Grubb was unaware that the vape had Delta 8. He completed continuing education on his own. The ALJ recommended renewal free and clear. Mitigating: transparent and credible, evaluations from work are positive, consistent and positive employment, current employer kept him on staff, Grubb seems unaware of what was in the vape.
30. Doreen Holler – CONTINUED
31. Sara Joines: Joines appeared for a positive response on her initial examination application. She provided a positive response relating to a trespass case where she and friends went to a haunted location while she was in college. She received a substance use evaluation that recommended no treatment. She expressed remorse and how bad acts can reflect poorly on working as a nurse. The ALJ recommended issuance of license free and clear.
32. Taylor Drzewiecki: Drzewiecki appeared for a positive response on her renewal application. The positive response was for a criminal case where she was convicted of reckless driving. The initial charge was for OWI with BAC of 0.087. She was convicted in August 2023 for probation to last 1 year. She is compliant with probation. She completed substance use evaluation through probation and that resulted in no further treatment. She had two adult occupants in her car and was pulled over (no accident resulted). She is currently working and her employer is aware of the criminal case and has been since the day after the arrest. The ALJ recommended renewal on probation for the length of her criminal probation with active practice for the duration. Quarterly reports, signed board orders, reporting requirements, keep Board apprised of her info. Drzewiecki agreed to the terms.

