

## MINUTES

### BOARD OF NURSING MEETING

December 8, 2022  
Heber M. Wells Bldg.  
ELECTRONIC MEETING – 8:30 a.m.  
Salt Lake City, UT 84114

**CONVENED: 11:02 A.M.**

**ADJOURNED: 2:46 P.M.**

**DOPL STAFF PRESENT:**

Bureau Manager: Jeff Busjahn  
Board Secretary: Thomas Togisala  
Compliance Specialist: Sharon Bennett  
Assistant Attorney General: Valerie Wilde

**CONDUCTING:**

Debra Mills, MSN, RN – Chair

**BOARD MEMBERS PRESENT:**

Debra Mills, MSN, RN  
Kristi Vick, APRN-CRNA  
Justin A. Andersen, Public Member  
Ellen Brown, MSN, APRN  
K. Kumar Shah, Public Member  
Luisa Echeverria, RN  
Linda Hofmann, RN, Ph.D.  
David Skalka, JD, APRN, FNP-C  
Julie Gee, RN, Ph.D.

**BOARD MEMBERS EXCUSED:**

Drew Fonnesbeck, RN  
Ralph Pittman, LPN

**GUESTS:**

Diane Forster-Burke – UNA

## **ADMINISTRATIVE BUSINESS:**

### **CALL MEETING TO ORDER:**

Ms. Mills called the meeting to order at 11:02 a.m.

### **REVIEW AND APPROVE THE NOVEMBER 10<sup>TH</sup>, 2022 MINUTES:**

Mr. Shah motioned to approve the minutes.

Ms. Brown seconded the motion.

The vote in favor was unanimous.

### **LEGISLATIVE AND ENVIRONMENTAL SCAN:**

The Rules that were previously approved by the Board are scheduled for a hearing on December 20, 2022 at 9:00 a.m.

Ms. Forster-Burke reported that the UNA is working on surgical smoke evacuation legislation for the upcoming legislative session.

## **BOARD BUSINESS:**

### **PROBATIONER REQUESTS AND REVIEW OF DOCUMENTS:**

Ms. Bennett provided the Board a brief update on the probationers.

### **REQUESTS AND APPROVALS:**

Kassi Trujillo – File reviewed by Mr. Skalka.

Mr. Skalka motioned to accept Ms. Trujillo's essay.

Ms. Vick seconded the motion.

The vote in favor was unanimous.

Sarah Navanick – File reviewed by Ms. Mills.

Ms. Mills motioned to accept Ms. Navanick's mental health evaluation.

Dr. Hofmann seconded the motion.

The vote in favor was unanimous.

### **PROBATIONER INTERVIEWS:**

Karen Burton – Interview conducted by Dr. Hofmann.

Ms. Burton has no missed check-ins.

Ms. Burton attends AA meetings regularly.

Ms. Burton is not working as a nurse.

Ms. Burton is having a difficult time finding employment in Vernal. Dr. Hofmann suggested for Ms. Burton to travel further for nursing opportunities.

Ms. Burton will need to start working as a nurse to have restrictions lifted.

No motions were made.

Kelli Middleton – Interview conducted by Dr. Gee.

Ms. Middleton is working as a nurse.

Ms. Middleton meets with her counselor once a month.

Ms. Middleton attends AA meetings regularly.

Ms. Middleton has no missed check-ins.

Ms. Middleton reads her stipulation and order often.

Ms. Middleton has a good support system within her husband and parents.

No motions were made.

Makayla Park – Interview conducted by Ms. Echeverria.

Ms. Park is doing well and working as a nurse.

Ms. Park has a good support system within her family and work colleagues.

Ms. Park had a missed check-in in August due to health problems.

Ms. Park is seeking a job opportunity in another state.

No motions were made.

Jamie Waters – Interview conducted by Ms. Mills.

Ms. Waters has no missed check-ins.

Ms. Waters is not working as a nurse.

- Dr. Gee motioned to close the meeting in accordance with 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Mr. Shah.  
The vote in favor was unanimous.  
The meeting was closed at 12:01 and reopened at 12:05.

Ms. Waters needs to resubmit her mental health evaluation with the statement “fit-to-practice” by January 20, 2023.

Ms. Mills motioned to extend Ms. Waters’ essay due date to January 30, 2023.

Mr. Andersen seconded the motion.

The vote in favor was unanimous.

Ms. Waters’ sobriety date is in November of 2021.

Ms. Waters has a good support system within her family and therapy groups.

Sue Schlegelmilch – Interview conducted by Dr. Gee.

Ms. Schlegelmilch is doing well and working as a nurse.

Ms. Schlegelmilch has good employer reports.

Ms. Schlegelmilch has two missed check-ins.

Ms. Schlegelmilch needs to submit her therapy report.

Ms. Schlegelmilch attends her 12 step meetings regularly.

Dr. Gee motioned to extend Ms. Schlegelmilch’s working hours to 96 hours within a two week work period.

Ms. Vick seconded the motion.

The vote in favor was unanimous.

Dr. Gee motioned to lift Ms. Schlegelmilch's overnight restrictions to allow her to work a couple hours from home.

Ms. Echeverria seconded the motion.

The vote in favor was unanimous.

Dr. Gee motioned to allow Ms. Schlegelmilch to go from indirect to general supervision.

Mr. Skalka seconded the motion.

The vote in favor was unanimous.

Megan Brownlee – Interview conducted by Ms. Mills.

Ms. Brownlee has one missed check-in in November.

Ms. Brownlee requested to be allowed to work in a home healthcare and hospice facility to deliver controlled substances to patient's homes. Ms. Mills denied her request due to the lack of work history as a nurse.

No motions were made.

Elaine Tonga – Interview conducted by Mr. Andersen.

Ms. Tonga is working as a nurse and is grateful for her job.

Ms. Tonga has submitted all of her reports on time.

Ms. Tonga has a good support system within her sister and mother.

Ms. Tonga will be sober for three years in January.

Mr. Andersen motioned to lift Ms. Tonga's overnight restrictions.

Ms. Vick seconded the motion.

The vote in favor was unanimous.

Mr. Andersen motioned to allow Ms. Tonga to work general mobile sites at her job.

Mr. Skalka seconded the motion.

The vote in favor was unanimous.

Kendall Kirkham – NO SHOW – File reviewed by Ms. Vick.

Mr. Kirkham has not submitted his mental health evaluation, physical evaluation, and his CEs.

Mr. Kirkham has not submitted his therapy reports for November and December.

Ms. Vick motioned to fine Mr. Kirkham \$500.00 for non-compliance.

Ms. Brown seconded the motion.

The vote in favor was unanimous.

Ms. Vick motioned to submit Mr. Kirkham's file back to the Division if he hasn't submitted all required items by January 1, 2023.

Dr. Gee seconded the motion.

The vote in favor was unanimous.

Ellie Villaruz – Interview conducted by Dr. Hofmann.

Mr. Villaruz is not working as a nurse.

Mr. Villaruz is having a difficult time finding a job due to him being on probation. Mr. Villaruz's court cases have been closed. He is no longer on probation with the courts. No motions have been made.

Janine Pawlikowski – Interview conducted by Mr. Skalka.

Ms. Pawlikowski has been sober since July 2019.

Ms. Pawlikowski is doing well and working as a nurse.

Ms. Pawlikowski has a dilute UA in November due to dehydration.

Ms. Pawlikowski attends AA meetings regularly.

Mr. Skalka motioned to allow Ms. Pawlikowski to go from indirect to general supervision.

Ms. Echeverria seconded the motion.

The vote in favor was unanimous.

Mr. Skalka motioned to amend Ms. Pawlikowski's stipulation and order to allow her to travel up to four locations in the Salt Lake area and to have a supervisor at those locations.

Ms. Echeverria seconded the motion.

The vote in favor was unanimous.

Laurie Tashman – Interview conducted by Ms. Vick.

Ms. Tashman has no missed check-ins.

Ms. Tashman's therapy reports are good.

Ms. Tashman works up to 36 hours a week.

Ms. Vick motioned to allow Ms. Tashman's facility administrator to be her supervisor.

Ms. Brown seconded the motion.

The vote in favor was unanimous.

Ms. Tashman's court cases have been dropped to a plea in abeyance.

Ms. Tashman has a good support system within her father.

Ms. Tashman has been sober since July 2019.

Ms. Tashman attends NA once a week.

Julia Love – Interview conducted by Ms. Echeverria.

Ms. Love is working as a nurse.

Ms. Love has no thoughts of relapse.

Ms. Love has one missed check-in in October.

Ms. Love paid her fine in full.

Ms. Echeverria motioned to terminate Ms. Love's probation early.

Dr. Gee seconded the motion.

The vote in favor was unanimous.

Daniel Fitzgerald – Interview conducted by Ms. Vick.

Mr. Fitzgerald has one missed check-in, two no-shows, and one positive UA test.  
Mr. Fitzgerald is trying to get into a treatment center.  
Mr. Fitzgerald is not working as a nurse.  
The Board requested to see Mr. Fitzgerald in one month.  
No motions were made.

#### **INFORMAL ADJUDICATIVE PROCEEDING:**

James Howell – Proceeding conducted by Ms. Wilde.

(Refer to audio for specifics. Part 2\_01:01:30 – 01:19:26, Part 3\_00:00 – 02:20)

Mr. Howell attended the proceeding by phone.  
Ms. Wilde reviewed the Notice of Agency Action with the Board.  
Ms. Wilde reviewed each allegation with the Board.  
Ms. Wilde asked Mr. Howell questions regarding the allegations.  
Mr. Howell answered Ms. Wilde's questions.  
Ms. Wilde asked Sergeant Garcia questions regarding Mr. Howell's military orders.  
Sergeant Garcia verified that Mr. Howell was not on active military orders.  
Sergeant Garcia verified that Sergeant Blake didn't sign any of the employee memorandums and they were forged.  
Mr. Howell stated that he's done multiple things for the military that he hasn't been paid for or tracked.  
Ms. Wilde presented the Division's recommendation to the Board.

The Division's recommendation is the following:

- Revoke Mr. Howell's license for a period of five years.
- Prior to reapplying for licensure Mr. Howell must have one year of clean UA testing and submit mental health SUD and physical evaluations three months prior to reapplying.

Mr. Howell did not have a recommendation for the Board.

The Board deliberated and found all 12 allegations against Mr. Howell to be true.

The Board recommended the following:

- Revoke Mr. Howell's license for a period of five years.
- Prior to reapplying for licensure Mr. Howell must have one year of clean UA testing and submit mental health SUD and physical evaluations three months prior to reapplying.

#### **NEXT SCHEDULED MEETING: JANUARY 12, 2023**

**ADJOURN: 2:46 P.M.**

**Meeting adjourned at 2:46 P.M.**

**Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred. For specific details, refer to the audio recording.**

1/12/2023

*Debra Ann Mills*

**Date Approved**

**Debra Mills - Chairperson, Board of Nursing**

1/12/2023



**Date Approved**

**Jeff Busjahn - Bureau Manager, DOPL**