

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF  
**SUZANNE DROWN IRISH**  
TO PRACTICE AS A **REGISTERED NURSE**  
IN THE STATE OF UTAH

**ORDER**  
CASE NO. DOPL-OSC-2009-

159

**BY THE DIVISION:**

The attached Findings of Fact, Conclusions of Law and Recommended Order is hereby adopted by the Division of Occupational and Professional Licensing of the State of Utah. Respondent's license to practice as a registered nurse is thus suspended, effective the date of this Order.

IT IS FURTHER ORDERED that the suspended license, both wall and wallet sizes, as well as any embossed certificate, be surrendered to the Division of Occupational and Professional Licensing.

Dated this 13 day of February <sup>2012</sup>

  
Mark B. Steinagel  
Director  
Division of Occupational and  
Professional Licensing

Agency review of this Order may be obtained by filing a request for agency review with the Executive Director, Department of Commerce, within thirty (30) days after the date of this Order. The laws and rules governing agency review are found in Section 63G-4-301 of the Utah Code and Section R151-4-901 of the Utah Administrative Code.

**1**  
**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**OF THE DEPARTMENT OF COMMERCE**  
**OF THE STATE OF UTAH**

---

**IN THE MATTER OF THE LICENSE OF**  
**SUZANNE DROWN IRISH**  
**TO PRACTICE AS A REGISTERED NURSE**  
**IN THE STATE OF UTAH**

**FINDINGS OF FACT**  
**CONCLUSIONS OF LAW**  
**AND RECOMMENDED ORDER**  
**CASE NO. DOPL-OSC-2009-159**

---

**APPEARANCES:**

L Mitchell Jones for the Division of Occupational and Professional Licensing  
Suzanne Drown Irish for Respondent

**BY THE BOARD:**

A December 7, 2011 hearing was conducted in this proceeding before J Steven Eklund, Administrative Law Judge for the Department of Commerce, and the Board of Nursing Board members present were Diana Parrish (Chair), Mary Williams, K Joel Allred, Susan M Kirby, Barbara Jeffries, Debra A Schilleman, Peggy Brown, Diana Parrish and Alisa Bangerter. The other Board members (Pamela Ann Rice and Marie Partridge) did not attend the hearing. Mark B Steinagel, Director of the Division of Occupational and Professional Licensing, was present.

Thereafter, evidence was offered and received. The hearing was concluded on the above date and the Board then conducted initial deliberations in this proceeding. The Board,

1

having concluded those deliberations, hereby enters its findings of fact, conclusions of law and submits the following recommendation to the Division for its review and action

### **FINDINGS OF FACT**

1 Respondent is, and at all time relative to this proceeding has been, licensed to practice as a registered nurse in this state Respondent became so licensed on March 23, 1989 Pursuant to a May 28, 2009 Order, Respondent's license was revoked, a stay of enforcement of that revocation was entered and Respondent's license was placed on probation for five (5) years, subject to various terms and conditions

2 The May 28, 2009 Order is based on a May 21, 2009 stipulation between the Division and Respondent The stipulation was prompted by Respondent's conduct, which included her prior possession of alcohol, multiple criminal proceedings which involved driving under the influence of alcohol and her possession of an open container of alcohol in a vehicle Respondent acknowledged she was an alcoholic and she was seeking treatment for alcoholism

3 Paragraph 8(1)(c) of the May 28, 2009 Order required Respondent to abstain from the personal use or possession of alcohol Pursuant to Paragraph 8(1)(i), Respondent was to also provide drug samples for analysis as requested by the Division Based on her admission to Division staff on July 14, 2011, Respondent used alcohol during the second week of May 2011 She also failed to provide drug samples as scheduled on seventeen (17)

1

occasions between May 17, 2010 and July 11, 2011

4 Paragraph 8(1)(e) of the May 28, 2009 Order required Respondent to provide the Division with a copy of all prescriptions for prescriptive drugs within forty-eight (48) hours after the prescription has been written. Respondent received a prescription for hydrocodone on April 20, 2010, but she did not provide a copy of that prescription to the Division until July 26, 2010.

5 Paragraph 8(1)(i) of the May 28, 2009 Order required Respondent to pay the costs for drug testing. Respondent failed to pay the fees required to keep her drug testing account with Compass Vision open on January 4, 2010 and August 2, 2010.

6 Paragraph 8(1)(m) of the May 28, 2009 Order required Respondent to complete and submit a self-assessment report to the Board. Paragraph 8(1)(l) required Respondent to submit all reports and documentation on a monthly basis for the first six (6) months of probation and -- if she maintained full compliance with the May 28, 2009 Order throughout that time -- those reports would be subsequently due on a quarterly basis.

7 Paragraphs 8(1)(o) and (p) of the May 28, 2009 Order required Respondent to participate in a professional support group and 12-step program, respectively. She was also required to submit reports to the Division which document the frequency of her participation and attendance, the submission of that documentation as also governed by Paragraph 8(1)(l).

I

8 Respondent commenced nursing employment at Salt Lake Behavioral Health on November 10, 2010 Respondent does not recall the name of her prior supervisor and she does not have a supervisor at the present time Respondent admits she failed to duly report for all scheduled drug tests, but she testified that failure was due to the costs of such testing and her financial hardships

### **CONCLUSIONS OF LAW**

The Division contends Respondent has repeatedly failed to comply with various requirements of the May 28, 2009 Order and she has thus engaged in unprofessional conduct The Division asserts the scope and frequency of Respondent's failure to comply with that Order reflects Respondent has not viewed that Order in a serious manner and she has been unwilling to duly comply with the terms and conditions set forth in that Order The Division asserts Respondent's nursing licence should be revoked

Utah Code Ann §58-1-401(2)(a) provides the Division may "revoke, suspend, restrict, place on probation or otherwise act upon" the license of a license who engages in unprofessional conduct §58-1-501(2)(a) generally defines unprofessional conduct to include violating any "order regulating an occupation or profession under this title"

The Board readily finds and concludes Respondent has thus engaged in unprofessional conduct and a proper factual and legal basis exists to enter further action as to Respondent's registered nursing license Specifically, Respondent has violated fundamental terms and

1

conditions set forth in the May 28, 2009 Order, particularly as to drug testing

Given the basis for the entry of that Order, Respondent's repeated noncompliance with numerous provisions of that Order has essentially nullified many of the various purposes to have been served by the entry of that Order. Respondent's unprofessional conduct prevented this Board and the Division from adequately monitoring Respondent's rehabilitative efforts. Most significantly, Respondent's noncompliance with the May 28, 2009 Order precluded this Board and the Division from adequately protecting both the public and any patients entrusted to Respondent's care.

The Board duly notes Respondent was employed during a measurable time that she has been subject to drug testing. Her assertion that she elected to forego reporting for scheduled drug tests due to her financial condition is not persuasive. Rather, the nature, scope and frequency of Respondent's noncompliance with the May 28, 2009 Order establishes a conscious choice to disregard that Order.

The Board concludes Respondent's abject failure to satisfy many of the necessary provisions of the May 28, 2009 Order warrants entry of the following recommendation:

**RECOMMENDED ORDER**

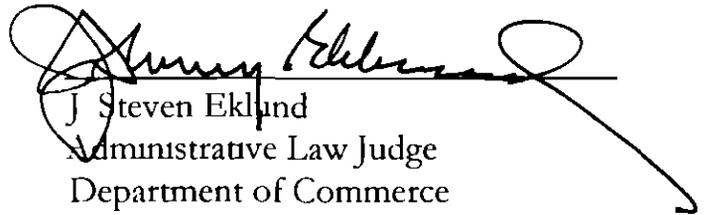
WHEREFORE, IT IS ORDERED Respondent's license to practice as a registered nurse shall be revoked. A stay of enforcement shall enter as to that revocation. However, the license shall be suspended for at least six (6) months. That suspension shall become

effective the date this Recommended Order may be adopted by the Division

IT IS FURTHER ORDERED that, during the suspension of Respondent's license, she shall remain subject to all of the probationary terms and conditions previously established by the May 28, 2009 Order. Upon Respondent's full and continuing compliance with both those terms and conditions during the suspension set forth herein and the requirements established by the Order entered in this proceeding, Respondent's license suspension shall cease and Respondent's license shall revert to probationary status as previously governed by the May 28, 2009 Order.

IT IS ALSO ORDERED Respondent shall submit to a full psychological and substance abuse evaluation during the suspension initially set forth herein. That evaluation shall be conducted by a Board approved evaluator and the evaluation report shall be provided to the Board no later than six (6) months from the commencement of the license suspension. Upon Board review of that report, the Board may recommend to the Division that the suspension be extended and/or that the terms and conditions applicable to either the suspension or probation of Respondent's license be modified.

On behalf of the Board of Nursing, I hereby certify the foregoing Findings of Fact, Conclusions of Law and Recommended Order was submitted to Mark B. Steinagel, Director of the Division of Occupational and Professional Licensing, on the 10<sup>th</sup> day of February 2012 for his review and action.

  
J Steven Eklund  
Administrative Law Judge  
Department of Commerce

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order in this proceeding, by delivering a copy thereof in person to, L Mitchell Jones, Assistant Attorney General, Heber M Wells Building, Fourth Floor, 160 East 300 South, Salt Lake City, UT, and by mailing a copy thereof, properly addressed by certified mail with postage prepaid, to Suzanne Drown Irish, Taylorsville, UT 84129

 2/13/2012  

---

Kimberley Lesh *Carol English*  
Administrative Secretary  
Department of Commerce