

IN THE MATTER OF

MICHELLE MARIE IBACH

License Number: LP44069

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BEFORE THE MARYLAND

BOARD OF NURSING

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**ORDER FOR SUMMARY SUSPENSION OF LICENSED PRACTICAL NURSE  
LICENSE  
PURSUANT TO SECTION 10-226 (c)(2) OF THE ADMINISTRATIVE  
PROCEDURE ACT**

The Maryland Board of Nursing (the "Board") hereby orders the **SUMMARY SUSPENSION** of the license of **MICHELLE MARIE IBACH** (the "Respondent"), to practice as a Licensed Practical Nurse, License Number **LP44069**, in the State of Maryland. The Board takes this action pursuant to the authority of Maryland Code Ann., State Gov't Article § 10-226 (c) (2) (2021 Repl. Vol.), which provides:

- (2) A unit may order summarily the suspension of a license if the unit:
  - (i) finds that the public, health, safety, or welfare imperatively requires emergency action; and
  - (ii) promptly gives the licensee:
    - 1. Written notice of the suspension, the finding and the reasons that support the finding; and
    - 2. An opportunity to be heard.

On January 25, 2023, a pre-deprivation show-cause hearing was held before the Board to give the Respondent an opportunity to present oral argument as to why the Board should not summarily suspend the Respondent's license. The Respondent was not present at the Show Cause Hearing. The Administrative Prosecutor - Assistant Attorney General, was present at the Show Cause hearing on behalf of the State.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

**INVESTIGATIVE FINDINGS AND REASONS IN SUPPORT  
OF SUMMARY SUSPENSION**

Based on investigatory information obtained by, received by and made known to and available to the Board, the Board has reason to believe that the following facts are true:<sup>1</sup>

1. On October 4, 2007, the Respondent was issued a Licensed Practical Nurse (“LPN”) license, in the State of Maryland. The Respondent’s LPN license has a status of “Active – Compact State” and is due to expire on October 28, 2023.

**COMPLAINT**

2. On or about September 23, 2019, the Board received a complaint from Facility. The complaint alleged that on or about September 6, 2019, the Respondent tested positive for opiates - morphine and the Respondent admitted that she took cough medication prescribed to another individual.

**SAFE PRACTICE PROGRAM (“SPP”)**

3. On or about February 5, 2020, the Respondent submitted an application to SPP.
4. On February 6, 2020, the Respondent entered into a Participation Agreement (“Agreement”) with SPP and the Agreement was to remain in effect for minimum of five years.<sup>2</sup> On February 6, 2020, the Respondent signed an Affidavit & Acknowledgment of Safe Practice Agreement, acknowledging that the Respondent reviewed the Agreement and understood the terms.
5. As part of the Agreement, the Respondent agreed to, *inter alia*, the following:
  - a. It is [the Respondent’s] responsibility to notify any nursing employer of [the Respondent’s] relationship with the Committee and to show [the Respondent’s] nursing employer this agreement;

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<sup>1</sup>The statements regarding the Respondent’s conduct identified herein are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent.

<sup>2</sup> A current/up to date signed Authorization for Release of Information – Safe Practice Program is not available in the SPP records.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

- b. [The Respondent] may continue employment with [Health Care];
- c. If [the Respondent] change positions or seek new employment, [the Respondent] must obtain approval from the Committee prior to accepting the position;
- d. [The Respondent] shall attend a minimum of two support group meetings (such as AA, NA, Celebrate Recovery) weekly and secure a sponsor within 1 month of signing this agreement. [The Respondent] will submit signed attendance sheets to the Committee monthly;
- e. [The Respondent] shall arrange for and submit to **random monthly toxicology screens**, at any time, of urine, breathe, hair, nail or blood, through any entity selected by the Safe Practice Committee (**currently FSSOLUTIONS**)<sup>3</sup>. [The Respondent] shall register with the identified provider **within 7 days** from the date of this agreement. These screens shall be not less than twice monthly and can be up to **36-40 times per year**. [The Respondent's] employer, ... or the Committee may request a random toxicology screen at any time. [The Respondent understands] that any screening results/reports from employers ... do not replace or substitute [the Respondent's] required tests for the Board of Nursing. Any positive drug screens/breathalyzer shall be reported to the Committee and will be considered a violation of the agreement. **[The Respondent understands] that toxicology screens must continue until [the Respondent is] formally discharged from the Program, in writing;**
- f. It is [the Respondent's] responsibility to instruct the laboratory ... to send a copy of all toxicology screens to the Committee, and to notify the Committee of a positive or missed toxicology screen or unsatisfactory work... reports. **A missed toxicology screen will be considered a positive toxicology screen;**
- g. [The Respondent] shall provide the Committee with **written (quarterly) progress reports** evaluating [the Respondent's] progress towards rehabilitation and elaborating on [the Respondent's] recovery program. These reports are to be required to be submitted, **even if [the Respondent] may not be working at all or not working in the nursing field;**
- h. [The Respondent's] shall arrange for [the Respondent's] employer ..., including all prescribing physicians, to provide **written (quarterly) progress reports** regarding [the Respondent's] compliance and progress towards rehabilitation. It is [the Respondent's] responsibility to notify all employers and providers when these reports are due. These reports must reflect [the Respondent's] compliance, progress toward rehabilitation and work performance. The reports are to be submitted even though [the Respondent] may not be working in the field of nursing;
- i. [The Respondent] shall not engage in the conduct that led to [the Respondent's] request for admission to the Program and shall remain drug and alcohol free;
- j. [The Respondent] shall obey all State and Federal laws;
- k. [The Respondent understands] that non-compliance with this agreement shall be grounds for Program expulsion and may result in immediate suspension of [the Respondent's] license to practice nursing. Should expulsion from the Program occur, [the Respondent understands] that a formal investigative report, along with all Safe Practice Program records, will be forwarded to the Board of Nursing for consideration and decision for potential disciplinary action.

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<sup>3</sup> Now known as Vault Health.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

**Self-Progress Reports:**<sup>4</sup>

6. The Respondent submitted four (4) progress reports dated March 2, 2020, December 1, 2020, March 1, 2021, and June 1, 2021, and the Respondent reported she was employed at Health Care.

**Employer Progress Reports**<sup>5</sup>

7. Health Care submitted four (4) progress reports dated March 1, 2020, December 1, 2020, March 1, 2021, and June 1, 2021.

**Toxicology Screens**

8. Between May 1, 2020, and August 1, 2022, the Respondent had:
- i. One hundred and ninety-six (196) missed daily call -ins.
  - ii. Sixteen (16) no-shows on testing dates, the last missed test occurred on May 25, 2022.
  - iii. The Respondent's last toxicology screen occurred on December 17, 2021.

**Support Group Meetings:**

9. The Respondent submitted confirmation of attendance at support group meetings from February 12, 2020, through March 5, 2020. The Committee did not receive confirmation of support group meeting attendance after March 5, 2020.

**SPP Committee Meetings/SPP Expulsion:**

10. At a February 6, 2020, meeting with the Committee, the Respondent reported that she used another individual's cough medicine; a friend gave her Fentanyl and that she had tried heroin in the last couple of weeks.
11. At a November 12, 2020, meeting with the Committee, the Respondent reported that on September 9<sup>th</sup> she relapsed and went into in-patient treatment.

<sup>4</sup> The first self-progress report was due on March 1, 2020, and every three months thereafter.

<sup>5</sup> The first employer progress report was due on March 1, 2020, and every three months thereafter.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

12. By letter dated May 17, 2022, the Respondent was notified that she was expelled from the SPP due to non-compliance with her signed Agreement. The Respondent was further advised that the SPP could “no longer monitor [her] or consider [her] safe in the practice of licensed practical nursing.”

**DISTRICT COURT OF MARYLAND FOR WASHINGTON COUNTY  
CASE NUMBER: D-112-CR-21-004973**

13. On July 7, 2022, the Respondent pled guilty to and received Probation Before Judgment for CDS: Possession Paraphernalia. The Respondent was placed on unsupervised probation for one year with conditions to include: enroll in and complete treatment and provide proof to the State’s Attorney Office within 6 months.
14. The Application for Statement of Charges provides, in part:

On Thursday, February 25, 2021, [Deputy] was on active patrol...when [Detective] requested another unit for a traffic stop...He provided me with his location and the tag...I got behind the vehicle at the traffic light...As I drove behind the vehicle, I observed the passenger moving around in his seat a lot. I observed him reaching around the passenger floor board and the door pocket. I also noticed him leaning forward into the glovebox area. The vehicle continued...before finally pulling into [parking lot]. I made contact with the driver Michelle Ibach, confirmed with her Maryland driver’s license....

[Detective] made contact with [passenger] and Michelle, advising them of what he observed, [passenger] admitted to [Detective] he had only sold his friend marijuana and nothing else. [Detective] located a used smoking device in [passenger’s] pocket, which [Deputy] recognized to be commonly used to smoke crack cocaine. [Passenger] and Michelle were detained, while [Deputies] searched the car....

[Deputy] began searching the purse in the rear of the vehicle. [Deputy] located a large amount of feminine products...indicating it belonged to the driver. [Deputy] located a smaller zip up purse inside of which contained 2 more vials, just like the ones found in the front area. They also contained the same white residue as the others. [Deputy] also located bent up paper clips, often used to clean out smoking devices used during drug use. [Deputy] found a latex glove with a large “chore boy” pad inside of it. [Deputy] asked Michelle if the purse was hers and she agreed it was.

[Deputy W] came out and searched Michelle. She located a pink wallet and a used glass smoking device in her front jacket pocket. Inside the wallet was 5 full gel caps and 2 empty

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

caps and 1 cut red straw with residue. A small baggie of suspected crack cocaine rocks was also inside....

Both glass smoking devices, one found on each suspect, contained residual amounts of Cocaine. 7 gel caps were determined to be Fentanyl. 1 red straw found in Michelle's wallet contained residual amounts of Cocaine, Fentanyl. Small clear bag with rock-like substances, found in Michelle's wallet, were determined to be Cocaine. 2 gel caps, found in Michelle's wallet, determined to be Fentanyl.

**DISTRICT COURT OF MARYLAND FOR FREDERICK COUNTY  
CASE NUMBER: D-111-CR-22-060748**

15. On October 20, 2022, the Respondent pled guilty to and received Probation Before Judgment for CDS: Possess – Not Marijuana. The Respondent was placed on unsupervised probation for one year.

**SUMMARY**

16. In September 2019, the Board received a complaint that the Respondent tested positive for opiates and that the Respondent admitted to taking another's individual's prescription cough medication.
17. In February 2020, the Respondent signed a SPP Agreement and in May 2022, the Respondent was expelled from the Program for non-compliance with the conditions of the Agreement. The Respondent's non-compliance with her Agreement includes: (1) failure to submit quarterly self-reports as scheduled – her last self-report was submitted in June 2021 (2) failure to submit proof of support group attendance since March 2020 (3) failure to call-in to First Source on one hundred and ninety-six (196) days (4) failure to submit to toxicology screens on sixteen (16) selected days – her last toxicology screen was on December 17, 2021 (5) failure to remain drug free – in July 2022 she pled guilty to CDS: Possession Paraphernalia, after she was arrested during a traffic stop and found to have cocaine, fentanyl and drug paraphernalia in her possession; and in October 2022 she pled guilty to CDS Possession: not Marijuana.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

18. The Respondent was expelled from the SPP in May 2022 and the Committee determined that the Program could no longer monitor her practice or consider her safe to practice as an LPN.
19. The Respondent holds an active-compact Maryland LPN license and the Respondent's continued unmonitored practice as an LPN poses a danger to the public health, safety and welfare.

**CONCLUSION OF LAW**

Based on the foregoing investigative findings and reasons, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case pursuant to Md. Code Ann., State Govt. § 10-226(c)(2) (2021 Repl. Vol.).

**ORDER**

It is hereby:

**ORDERED** that pursuant to the authority vested in the Board of Nursing by Maryland Code Ann., State Govt. § 10-226 (c)(2) (2021 Repl. Vol.) the license of **MICHELLE MARIE IBACH** to practice as a licensed practical nurse, license number **LP44069**, in the State of Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that if the Respondent's license is suspended following a Show Cause Hearing, the Respondent has the right to an evidentiary hearing before the Board on the merits of the summary suspension and an evidentiary hearing will be scheduled before the Board, if the Respondent submits a written request for an evidentiary hearing to the Board **NO LATER THAN THIRTY (30) DAYS from the date of this Order for Summary Suspension**; and be it further

**ORDERED** that if the Respondent does not submit a timely written request to the Board for an evidentiary hearing within 30 days of the date of this Order, the Respondent shall have waived all rights now and in the future to any hearing on the merits of the summary suspension of


**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
IBACH, MICHELLE MARIE: LP44069**

the Respondent's license and the factual allegations contained in the Order for Summary Suspension; and it is further

**ORDERED** that this Order for Summary Suspension shall remain in effect and the summary suspension of the Respondent's license shall continue until further Order of the Board; and it is further

**ORDERED** that this, "Order for Summary Suspension of Licensed Practical Nurse License" is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol.).

January 25, 2023  
Date



Gary N. Hicks, MS, RN, CEN, CNE  
The Board President's Signature  
Appears on the Original Document