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

IN THE MATTER OF THE LICENSE OF
MICHELLE MARIE HERRING
TO PRACTICE AS A REGISTERED
NURSE (LICENSE NO. 8666522-3102)
IN THE STATE OF UTAH,

RESPONDENT.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, RECOMMENDATIONS, AND
ORDER**

CASE NO. DOPL OSC-2025-216

Under Utah Code § 63G-4-203(1)(i) and Utah Administrative Code R156-46 b-404, the following findings of fact were made by the Utah Division of Professional Licensing (“Division”), after consulting with the Board of Nursing and Certified Nurse Midwives (“Board”) on May 14, 2026:

1. This matter is classified as an informal proceeding under Utah Administrative Code R156-46b-202(2)(d). The findings of fact contained herein are supported by a preponderance of the evidence presented to the Board.
2. On February 5, 2014, the Division first issued Respondent a license under the Nurse Licensure Compact to practice as a Registered Nurse in the State of Utah, License No. 8666522-3102.
3. On May 14, 2025, the Division entered a disciplinary order (“Order”) against Respondent, finding she had engaged in unprofessional conduct. The Division placed

Respondent's license to practice as a registered nurse in the State of Utah on probation for a period of five (5) years, subject to terms and conditions described in the Order.

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4. The terms and conditions of Respondent's probation include the following:

a. Abstention from Drugs and Alcohol, paragraph 7(i).

"Although the use and possession of alcohol is generally legal for persons age 21 and older. Respondent agrees to abstain from possessing or using controlled substances and prescription drugs, including medical cannabis, unless lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions.

b. Drug and Alcohol Testing requirement, paragraph 7(j).

"Respondent must provide samples (of urine, blood, saliva, hair, or any other type of sample requested) for alcohol and drug analysis ("drug testing") to be performed by a Division-contracted drug testing company. The Division or Division-contractor may request samples, and Respondent must comply with such requests. Respondent must call a designated phone number, or check-in online, every day to determine if they are required to provide a sample for drug and alcohol analysis. The Division will determine when and where Respondent must report for testing. The Division is not required to accept testing results from other government authorities or drug testing facilities to satisfy this requirement. Respondent is responsible for the cost of drug and alcohol testing and must accurately complete and sign any and all release forms requested by the Division or the Division-contractor regarding testing. Any report from the Division-contractor indicating Respondent failed to provide a sample for drug and alcohol analysis as directed will be considered a positive drug test result. Any test result or pattern of results indicating the sample Respondent provided has a creatinine level below 20 mg/dL will be considered a non-negative test result and a violation of this Agreement.

c. Ongoing Therapy and Release of Information, paragraph 7(q).

Respondent must follow any treatment, therapy, or intervention recommendations made by the evaluator or the Division. Respondent will authorize their therapist or treatment provider to submit reports to the Division regarding Respondent's progress. Respondent's therapy

and treatment should focus on the areas of concern identified by the evaluator. Respondent must make best efforts to ensure their therapist or treatment provider submits progress reports to the Division at the frequency described in subparagraph (7)(OO).

5. At all times relevant, Respondent's license remained subject to the above terms and conditions.
6. Respondent has violated the terms of her probation.
7. Respondent tested positive for drugs or alcohol on six (6) separate occasions: July 3, 2025; July 9, 2025; July 21, 2025; August 8, 2025; September 8, 2025; and October 2, 2025.
8. Respondent failed to appear for required drug or alcohol testing on five (5) separate occasions: September 12, 2025; September 16, 2025; September 26, 2025; October 1, 2025; and October 8, 2025.
9. An evaluator recommended Respondent complete an American Society of Addiction Medicine ("ASAM") Level 3 residential treatment. The initial deadline for Respondent to complete the program was October 3, 2023, but Respondent requested and received a 45-day extension. Respondent failed to submit proof of completion by the extended deadline.
10. On November 24, 2025, and pursuant to the terms and conditions of Respondent's probation, the Division suspended Respondent's nursing license after an evaluation determined she was unfit to practice.
11. Based on the foregoing, grounds exist to revoke or otherwise sanction Respondent's license in accordance with Utah Code § 58-1-401(2)(a).
12. Respondent has not submitted a drug or alcohol test since October, 2025.
13. Respondent admitted to the Board that she is not ready for "bedside" practice and

needs time to heal herself.

14. The Division's attempts to bring Ms. Herring into compliance with the terms and conditions of her probation have not been successful.

CONCLUSIONS OF LAW

Having consulted with the Board on May 14, 2026, and having found Respondent engaged in acts, practices, and omissions as alleged herein, under Utah Code § 63G-4-203(1)(i) and Utah Administrative Code R156-46b-404, the Division concludes Respondent has engaged in "unlawful and unprofessional conduct" in violation of Utah Code § 58-1-501(2)(a). Ms. Herring's probation violations are a continuation of the substance use-related issues that caused her to be placed on probation in May 2025. Her compliance has not improved since the filing of the Notice of Agency Action. As a result, the Division is unable to meaningfully supervise Ms. Herring at this time. That supervision is necessary for the Division to properly monitor and assess whether Ms. Herring can practice safely and competently.

RECOMMENDED ORDER

The Board has reviewed the evidence and carefully considered Respondent's evidence and testimony. The Board hereby finds Respondent has engaged in violations described in the above Findings of Fact and Conclusions of Law. The Board therefore recommends:

- a. revoking Respondent's license to practice as a registered nurse in the state of Utah;
- b. prohibiting Respondent from applying for any license with the Division for a period of five years;

- c. requiring Respondent to provide the Division with the results of voluntary drug and alcohol testing for the 12 consecutive months preceding any reapplication for licensure, demonstrating they have not used alcohol or drugs for which they do not have a current valid prescription. The Division is not required to accept testing results from other government authorities or drug testing facilities to satisfy this requirement. Respondent must accurately complete and sign any and all testing result release forms requested by the Division or the testing service;
- d. requiring Respondent to complete a 1) mental health evaluation, 2) substance use disorder evaluation, and 3) a physical evaluation with a Division-approved, licensed providers, within 90 days preceding their reapplication. Each evaluation must clearly indicate Respondent can safely resume practice as a registered nurse.
- e. imposing such other sanctions as the Division Director deems just and appropriate pursuant to Utah Code § 58-1-401(2).
- f. that the Board recommends that any order issued in this matter be considered disciplinary.

[Order on the following page]

ORDER

After careful consideration of this matter, the Director concurs with and adopts the Board's Recommended Findings of Fact, Conclusions of Law, and Recommended Order.

WHEREFORE, IT IS ORDERED that Respondent's license to practice as a Registered Nurse in the State of Utah is revoked. Respondent may not reapply for licensure until five years have elapsed and Respondent has satisfied all other requirements described in the recommended order.

This Order is effective immediately.

DATED this 05/14/2026

DIVISION OF PROFESSIONAL LICENSING



MARK B. STEINAGEL

DIVISION DIRECTOR

or

JANA JOHANSEN

ASSISTANT DIVISION DIRECTOR

Licensing Administrator ~ Jeff Busjahn

Assistant Attorney General ~ Steven Green