The attached are Primary Source Documents of the Idaho Board of Nursing for:

WENDY ACOSTA
PN-10982

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of: WENDY JEANNE ACOSTA, Respondent. Case No. 00-061 License No. PN-10982,

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho Board of Nursing (hereinafter the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Wendy Jeanne Acosta ("Respondent") is a duly licensed nurse in the State of Idaho holding License No. PN-10982.

2. On or about December 8, 2000, the Board received a complaint from the Program for Recovering Nurses ("PRN") that Respondent was non-compliant with her treatment contract. She had initially enrolled in the PRN and signed a contract for monitoring on August 16, 2000.

3. In order to remain in the PRN program, Respondent was asked to voluntarily surrender her nursing license. On or about March 12, 2001, Respondent voluntarily surrendered her license, admitting to violations of the Nursing Practice Act. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 1.

4. Respondent was ordered to re-enroll in the PRN program by May 2, 2001 in order to maintain her licensure. She failed to re-enroll in the PRN program.
5. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 14, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Nursing Practice Act and Rules and constitute grounds for revocation or suspension of Respondent's license to practice nursing pursuant to Idaho Code § 54-1413(1)(e), (1)(g), and IDAPA 23.01.01.132.

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-1413(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that Nursing License No. PN-10982 issued to Respondent Wendy Jeanne Acosta is

____ X _____ Revoked

____ Suspended _____ days/year(s) _____ indefinitely based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that she present the following information to the Board with her application for reinstatement:

1. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

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2. Documentation that she is rehabilitated and competent to practice nursing by submitting:

   a. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement;

   b. A detailed summary of employment since licensure revocation or suspension;

   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and

3. Evidence of financial compliance with NCPS and the Program for Recovering Nurses.

The Board reserves the right to assess investigative costs and attorney's fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 24th day of MAY, 2001.

IDAHO BOARD OF NURSING

By Claudeen Buettner, Ed.D., R.N.
Vice-Chairman

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).
Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

a. A hearing was held,
b. The final Board action was taken,
c. The party seeking review of the order, resides, or
d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If respondent’s license was revoked, then pursuant to Board Rule 121, Respondent may apply to the Board for reinstatement one (1) year after the execution of this Order. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

If respondent’s license was suspended, then pursuant to Board Rule 120, Respondent may apply to the Board within a reasonable time after the execution of this Order, or as specified by the term of suspension. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29TH day of MAY, 2001, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER addressed as follows:

Kirsten L. Wallace
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

— U.S. Mail, postage prepaid
— Certified U.S. Mail, return receipt
— Hand Delivery
— Overnight Mail
— Facsimile: ___________________________
— Statehouse Mail

Wendy Acosta
3695 E. Sunnyside Road
Idaho Falls, ID 83406

— U.S. Mail, postage prepaid
— Certified U.S. Mail, return receipt
— Hand Delivery
— Overnight Mail
— Facsimile: ___________________________
— Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
E-mailing Director

[Signature]

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