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

TIMOTHY ANDERSON
PN-9317
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of: ) Case No. 99-011
TIM GLENN ANDERSON, ) FINDINGS OF FACT, License No. PN-9317, CONCLUSIONS OF LAW, ) ) AND FINAL ORDER ) Respondent.

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 Tim Glenn Anderson ("Respondent") is a duly licensed nurse in the State of Idaho holding License No. PN-9317.

2. On or about March 8, 1999, the Board received a complaint from Pinewood Care Center that Respondent was suspected for diversion of drugs. A true and correct copy of the complaint and supporting documentation sent to the Board by Pinewood Care Center is attached hereto as Exhibit 1.

3. On or about May 3, 1999, Respondent voluntarily surrendered his 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 2.

4. On or about May 7, 1999, Respondent signed a contract with the program for recovering nurses. A true and correct copy of the contract Respondent signed is attached hereto as Exhibit 3.

5. On or about June 4, 1999, the program for recovering nurses notified the Board that Respondent failed to begin calling in daily for his UA tests. A true and correct
copy of the letter sent to the Board by the program for recovering nurses is attached hereto as Exhibit 4.

6. On or about July 16, 1999, the Advisory Committee meeting reviewed Respondent’s file, and found him to be noncompliant with the terms and conditions of the PRN contract, and recommended revocation. A true and correct copy of the Advisory Committee meeting report is attached hereto as Exhibit 5.

7. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to him 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)(d), 54-1413(1)(e), 54-1413(1)(g), 54-1413(1)(h), IDAPA 23.01.01100.05, 100.06, 100.08.i, 100.09.b, 100.09.d, 100.09.e.

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-9317 issued to Respondent Tim Glenn Anderson is

✓ Revoked

____ Suspended ____ days/year(s) ____ indefinitely

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 2
based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

This order is effective immediately.

DATED this 12th day of August, 1999.

IDAHO BOARD OF NURSING

By [Signature]
Daniel Bauer, R.N.
Interim Chair

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 19th day of August, 1999, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Tim Glenn Anderson
1488 Juniper Street
Rathdrum, ID 83858

Sandra Evans, M.A.Ed., R.N.
Executive Director
March 8, 1999

Ms. Sandy Evans
Idaho Board of Nursing
P.O. Box 83720
280 North 8th Street, Suite 210
Boise, Idaho 83720-0061

Dear Sandy,

I am writing to report an employee of Pinewood Care Center, Tim Anderson, LPN, (License No. PN9317), for diversion of drugs.

This became evident to me when one of our residents was moved from the 100 Wing where he did not receive prn Lortabs for over a month, to the wing where Tim Anderson works. Since that room change in mid-December, this particular resident is documented to have received 1-2 Lortabs on nearly every shift that Tim works, and not ever to have received it from any other nurse. Please refer to the attached Medication Administration Record.

On January 27, 1999, we had a urinalysis done on the resident for narcotics, after he had allegedly received three consecutive doses of Lortab from Tim Anderson. As you can see from the enclosed lab report, no narcotic was present in this resident's urine.

Mr. Anderson was confronted with this information on or about February 3, 1999. While he did not admit to diverting narcotics, he did agree to self-refer to the PRN program. At that time, he was provided with the appropriate names and phone numbers.

Over a month has gone by, and as of this date, Tim has not yet signed the release of information to participate in the self-referral program. He is indicating that he feels he cannot abstain from alcohol use, and that by signing a release, he would be "setting himself up for failure".

Tim is aware that by refusing to sign the release, he is prompting me to formally refer this matter to the Board of Nursing.

I have highly valued Tim as a member of our staff. It is my hope that by taking this step, I will have assisted him in getting the help that he needs.

Please feel free to call me if I may be of further assistance.

Sincerely,

Kathleen M. Clark, RN
Kathleen M. Clark, RN
Director of Nursing Services

cc: Administrator, Taylor V. Wallner
Personnel File
I, Tim G. Anderson, admit that:

I am an alcoholic.

I understand and acknowledge that the admitted facts constitute grounds for disciplinary action under Section 54-1413, of the Nursing Practice Act, IDAHO CODE.

I hereby voluntarily surrender license number PN-9317 and I shall forthwith discontinue the practice of nursing in Idaho.

I hereby waive the right to a hearing concerning the foregoing admitted facts, and waive my rights under the provisions related to contested cases in the Administrative Procedures Act, Chapter 52, Title 67, IDAHO CODE.

Dated: 5/3/1999

Tim G. Anderson
Signature of Licensee
1488 Juniper St.
Address
Rathdrum, ID, 83858
City, State, Zip

State of Idaho
Board of Nursing
This is to certify that: PN-9317
License Number
Expires: August 31, 2000

Tim G. Anderson
1488 Juniper St
Rathdrum, ID 83858
has complied with the requirements of the law and is entitled to practice as a LICENSED PRACTICAL NURSE (LPN)

Valid when signed by licensee
NURSE CONTRACT

Client Name:  Tim Anderson  Date 5/7/99

1. Recognizing that I suffer from chemical dependency and/or mental conditions that impair my ability to practice nursing safely, desire to enroll in the Program for Recovering Nurses. During my recovery process I agree that I will complete the following activities:

   1. I agree to abstain from the use of alcohol and all other legal and illegal drugs unless they are prescribed for health care reasons.  [ ] Initial  

   2. I agree to provide any healthcare professional that may prescribe drugs for me with a copy of this agreement and ask them to advise the PRN with a written explanation of the need for such medication and a copy of the prescription.  [ ] Initial  

   3. I agree to advise the following persons of the conditions of this agreement (please initial):
      - Work Supervisor  
      - Spouse or significant other  [ ]  
      - Personal Physician  [ ]  
      - Other  

   4. I agree to participate, and attend regularly in the following activities (please initial items):
      - Alcohol/Drug Education  
      - Group Therapy  
      - Counseling  
      - AA/NA/ACA Meetings  [ ]  
      - Obtain 12 Step Sponsor  [ ]  
      - Urine Analysis/Drug Testing  [ ]  
      - Nurse Support Group  [ ]  
      - Psychiatric Follow-up  
      - Exercise Program  [ ]  
      - Other  [ ]  

      IOP  
      Location: Deaconess  -  Weekly  
      Outpatient @ VA  

   5. I agree to accurately describe each week's activities on the forms provided and submit weekly monitoring reports to the independent monitoring service.

   6. I agree that if I do not adhere to the conditions of this contract, the Program Coordinator may elect to notify those referral sources specified on the release of information form, that I have signed, of such default.

   7. I agree that the Program Coordinator and those specified on the release of information form that I have signed may exchange information pertinent to this agreement.

   8. I agree to pay to the Program Coordinator $10.00 per month to assist with the costs of this program. I understand that I will be billed for this amount quarterly. I will also be responsible for payment of regular drug screenings.

   9. I agree to meet with the Program Coordinator, or other representatives of the Program, whenever requested to discuss my progress.

   10. I agree that this contract can be reviewed and modified as appropriate for a minimum of five (5) years.

   11. I understand that all requirements on this contract, including financial obligations, must be fulfilled or I may be reported to the Board of Nursing for non-compliance.

Client Signature:  

Witness:  

Program Coordinator:  

Client Address:  1486 Juniper St.  

Rothbaum ID:  83858  

Original = Referral  Second Page = Monitoring Service  Third Page = Client  

Exhibit 3
June 4, 1999

Sandra Evans
Board of Nursing
P.O. Box 83720
Boise, ID 83720-0061

RE: Tim Anderson

Dear Ms. Evans,

On May 7th, Mr. Anderson signed the contract to enroll into the PRN. Prior to his enrollment, he was clearly informed on the expectations of the program and the consequences of not complying with the contract.

Mr. Anderson was to begin calling in daily for his UA tests on May 24th. On June 1st, NCPS informed us that he had not started his calling and missed a scheduled test. We immediately contacted Mr. Anderson to ask him about the situation. He stated that he didn’t start calling because they are foreclosing on his house and auctioning it off on June 8th. Therefore, he does not have any money to pay for the UA tests so he did not start calling. We told Mr. Anderson that within the next couple of days, he had to inform us of his intentions to stay in the program. As of today, he has not started calling for the UA’s and has not returned our call (from 6/3 at 9:00am) to inform us of his intentions.

Therefore, we are returning Mr. Anderson to the Board of Nursing for further action due to non-compliance with his PRN contract, primarily for failing to UA test.

Enclosed is a copy of Mr. Anderson’s PRN contract. If you have any further questions or concerns, please feel free to contact me.

Sincerely,

John Southworth, CADC
PRN Coordinator
(208) 891-4726 cellular
(800) 729-0533 pager

cc: Tim Anderson

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
TO: SANDRA EVANS, MAEd, RN  
Executive Director  
Idaho Board of Nursing

FROM: Analyn Frasure, LPN, Chairperson of:  
Program for Recovering Nurses

DATE: July 16, 1999

The file of Tim Anderson was reviewed at the Advisory Committee meeting on July 16, 1999, and found to be in non-compliance of recommendations because of the following:

Failing to comply with all terms and conditions of the Contract for Monitoring, i.e., calling NCPS for random urine drug screens

The Committee made the following recommendation(s):

Refer to Board for disciplinary action.

File reviewed by Executive Director:

Signature  

Date  

Action Recommended to Board: Reeducation based on voluntary surrender

The Mission of the Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.

Exhibit 5