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

Gloria A. Baldwin

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Gloria A. Baldwin  
3549 N Cole Road, #101  
Boise, ID 83704

Dear Ms. Baldwin:

During their meeting on April 29-30, 2010, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your practical nurse license, PN-13550 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective April 30, 2010. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order. Please return your current practical nurse license to the Board office.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE: lhc  
envelope
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: )
GLORIA A. BALDWIN, ) Case No. BON 07-071
License No. PN-13550, ) FINDINGS OF FACT,
Respondent. ) CONCLUSIONS OF LAW AND
) FINAL ORDER

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

FINDINGS OF FACT

1. The Board has issued License No. PN-13550 to Gloria A. Baldwin ("Respondent"). Respondent’s licenses expired on August 31, 2008, and Respondent has not renewed her licenses. Respondent’s license and renewal rights are subject to the provisions of title 54, chapter 14, Idaho Code and the Board’s rules at IDAPA 23.01.01, et seq.

2. On February 20, 2009, the Board filed and served a Complaint on Respondent. The Complaint alleged, in sum, that Respondent was grossly negligent or reckless in performing nursing functions, Respondent failed to safeguard her patient from incompetent practice and Respondent failed to be responsible and accountable for her nursing judgments, actions and competence. A copy of the Complaint is attached as Exhibit A.

3. On April 21, 2010, Respondent voluntarily surrendered her nursing license. In the course of voluntarily surrendering her license, Respondent did not admit that she violated any of the Board’s laws or rules. She did, however, acknowledge that the Board has sufficient evidence from which it might find and conclude that such a violation occurred. She also waived her rights to a hearing, and she consented to the Board
entering an order accepting her voluntary surrender and revoking or otherwise disciplining her license as the Board deemed appropriate in its discretion. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit B.

4. 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 Nurse Practice Act and constitute grounds for revocation or suspension of Respondent's license to practice nursing pursuant to Idaho Code § 54-1413, specifically:

a. Idaho Code § 54-1413(1)(d) (allowing discipline when a nurse “is or has been grossly negligent or reckless in performing nursing functions”) and Board Rule 100.05 (defining “Gross negligence or recklessness in performing nursing functions”);

b. Idaho Code § 54-1413(1)(g) (allowing discipline when a nurse “violates any . . . rules and standards of conduct and practice as may be adopted by the board”) and Board Rule 100.08 (“violations of standards of conduct and practice adopted by the Board shall mean, but need not be limited to, any violations of those standards of conduct described in Section 101 of these rules”);

c. Board Rule 101.04.d (allowing discipline when a nurse fails to “safeguard the patient from the incompetent practice . . . of any person”); and

d. Board Rule 101.05.c (allowing discipline when a nurse fails “to be responsible and accountable for his nursing judgments, actions, and competence”).


FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER - 2
3. Pursuant to Idaho Code § 54-1413(3)(a), Respondent’s voluntary surrender of her license empowers the Board, without a hearing, to accept Respondent’s voluntary surrender and to revoke or suspend Respondent’s license and/or impose such conditions, limitations, or restrictions on her license as the Board in its discretion may deem appropriate.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. PN-13550 issued to Respondent, Gloria A. Baldwin is hereby:
   - **Revoked**: Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a ______ year period after entry of this Order, whichever period is greater.
   - ___ Suspended: ___ days ______ year(s) ______ indefinitely.

   Respondent’s license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

2. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3), IDAPA 23.01.01.061 and IDAPA 23.01.01.120. This will include, but is not limited to, providing the following information to the Board documentation that she is able to practice nursing safely and competently by submitting:
   i. Respondent must provide Board Staff with a written list of her attending health care providers (including without limitation any therapists, counselors, or other mental health care providers);
   ii. Respondent’s health care providers (“provider”) must submit to the Board the provider’s evaluation describing Respondent’s current medical condition(s) and listing her prescriptions, including the dose/frequency and rationale for the
medications prescribed. This evaluation must be submitted on a form provided by the Board. The provider shall also identify any concerns that he/she may have about Respondent's ability to safely practice nursing and what restrictions, if any, should be placed upon Respondent's practice. When requesting such evaluations, the Respondent shall provide the provider with, and request that the provider review, the Idaho Board of Nursing Position on Safety to Practice; and

iii. Respondent must prepare and submit a written self-evaluation. Respondent's self-evaluation must address her ability to practice nursing safely as provided in the Idaho Board of Nursing Position on Safety to Practice. Respondent's self-evaluation shall be submitted on a form provided by the Board.

3. Should Respondent reinstate her license, the Board reserves the right to issue Respondent a Limited License pursuant to IDAPA 23.01.01.132 and place restrictions upon Respondent's practice as the Board, or Board Staff, may deem appropriate in its discretion which may include, but is not limited to:

   i. Board-approved work setting with supervised practice; and

   ii. Employer and Self Evaluations to be submitted to the Board on a monthly basis.

4. The Board reserves the right to assess investigative costs incurred in this matter as a condition of reinstatement, and to impose such other conditions upon Respondent's reinstated license as the Board may deem appropriate in its discretion.

This order is effective immediately.

DATED this 30th day of April, 2010.

IDAHO STATE BOARD OF NURSING

[Signature]

Susan Odom, Ph.D., R.N.
Chair

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER - 4
NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLELY 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 issuance 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.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this __ day of ___, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Gloria A. Baldwin
3549 N. Cole Road, #101
Boise, ID 83704

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Certified U.S. Mail, return receipt
☐ Overnight Mail
☐ Facsimile: ____________
☐ Statehouse Mail

Karin Magnelli
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

Linda Coley
Management Assistant
Board of Nursing
IDAHO STATE BOARD OF NURSING
VOLUNTARY SURRENDER OF NURSING LICENSE
Idaho Code § 54-1413(3)(a)

I, GLORIA A. BALDWIN, hereby voluntarily surrender my license to practice nursing, License No. PN-13550, to the Idaho State Board of Nursing (the "Board") and will immediately discontinue practicing as a nurse in the State of Idaho. By affixing my signature hereto, I acknowledge that:

1. I have been advised that, without my consent, no legal action can be taken against me except as allowed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code and the laws and rules governing the practice of nursing, Title 54, Chapter 14, Idaho Code.

2. I have been advised of and I understand the nature of the allegations against me.

3. I understand that I have the following rights, among others: the right to representation by legal counsel, the right to a formal hearing, to reasonable notice of such hearing, to present evidence and testimony on my behalf, to compel the testimony of witnesses, to cross-examine the witnesses against me, and the right to request reconsideration or to appeal this matter to district court. I waive all such rights afforded to me without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board.

4. I also waive the right to contest this surrender and the right to challenge the Board for bias in any subsequent proceedings concerning this matter.

5. I understand that upon acceptance by the Board of the voluntary surrender of my license to practice as a nurse, the Board of Nursing will enter an order pursuant to Idaho Code §54-1413 revoking, suspending or otherwise disciplining my license to practice nursing. The Board's Order may include a civil penalty and/or the imposition of costs and attorney fees incurred by the Board in its investigation and prosecution of any claims or allegations against me. I hereby consent to the imposition of such discipline.

6. In surrendering my license to practice nursing for imposition of discipline by the Board, I am not making any admissions; however, I agree that the allegations against me, if the same had been proven true in a disciplinary hearing would constitute grounds for the imposition of a disciplinary action against me.

7. I understand that by surrendering my license to practice nursing, I am also surrendering all of the privileges associated with that licensure, until such time as I am again properly licensed.

8. I understand that to obtain a license to practice nursing in the state of Idaho, I must re-apply to the Idaho State Board of Nursing pursuant to the provisions of Title 54, Chapter 14, Idaho Code and all applicable rules and orders entered by the Board.

9. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement.

10. I agree that there will be no rebate or refund, either in full or in part, of any sums previously made by me in connection with my licensure, including but not limited to payments of license application or renewal fees.

Name of Licensee: Gloria A. Baldwin  License No.: PN-13550
Address: 3549 N. Cole Rd #101 Boise Idaho 83705
Signature of Licensee: ____________________________  Date: 2/27/2002
Signature of Witness: ____________________________  Date: 2/21/2002
Notary Public
State of Idaho
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: )

GLORIA A. BALDWIN, )
License No. PN-13550, )
Respondent. )

Case No. BON 07-071

COMPLAINT

To: Gloria A. Baldwin
3549 N. Cole Road, Apt. 101
Boise, ID 83704

Complainant the Idaho State Board of Nursing (the "Board") charges Respondent Gloria A. Baldwin with violating the laws and rules governing the practice of nursing as follows:

FACTS

1. The Board regulates Idaho nursing practice under Idaho Code § 54-1404.
2. The Board has licensed Respondent to practice nursing under License No. PN-13550.
3. At all times relevant herein, Respondent was employed at TLC Home Health Care and Nursing ("TLC") in Boise, Idaho.
4. On September 29, 2007, Respondent was providing private duty nursing care to ventilator-dependent patient C.C., a minor child, at C.C.'s home.
5. At approximately 0300, Respondent left patient C.C. and woke C.C.'s family to advise them that C.C. was not breathing.
6. C.C.'s father rushed to C.C.'s side and found that C.C. was lifeless, blue, and apneic, and that Respondent had removed C.C.'s ventilator.
   a. Respondent did not use the breathing bag/mask that was on the wall.
   b. Respondent did not properly perform mouth-to-tracheostomy ventilation. Instead of placing her mouth directly on the tracheostomy tube, as would be
required. Respondent cupped her hand into a tube and blew through her hand into the stoma.

8. C.C.'s father then started mouth-to-mouth resuscitation, placing his finger over the stoma when C.C.'s chest appeared to rise and fall.

9. Paramedics arrived to find C.C. still apneic, and also asystolic. The paramedics were, however, ultimately able to restore spontaneous circulation.

10. On October 5, 2007, TLC's Director of Nursing provided the Board with a Report of Violation of the Nursing Practice Act describing the above events.


CONTROLLING LAW

12. Respondent's conduct constitutes grounds for discipline under title 54, chapter 14, Idaho Code and the Rules of the Idaho Board of Nursing, IDAPA 23.01.01, including:

   a. Idaho Code § 54-1413(1)(d) (allowing discipline when a nurse "is or has been grossly negligent or reckless in performing nursing functions") and Board Rule 100.05 (defining "Gross negligence or recklessness in performing nursing functions");

   b. Idaho Code § 54-1413(1)(g) (allowing discipline when a nurse "violates any . . . rules and standards of conduct and practice as may be adopted by the board") and Board Rule 100.08 ("violations of standards of conduct and practice adopted by the Board shall mean, but need not be limited to, any violations of those standards of conduct described in Section 101 of these rules");

   c. Board Rule 101.04.d (allowing discipline when a nurse fails to "safeguard the patient from the incompetent practice . . . of any person"); and

   d. Board Rule 101.05.c (allowing discipline when a nurse fails "to be responsible and accountable for his nursing judgments, actions, and competence").

REQUESTED RELIEF

Complainant requests that the Board provide the following relief:
1. That the Board conduct a hearing to allow the State and Respondent to present evidence on the Complaint's allegations;

2. That after the hearing, the waiver of a hearing, or Respondent's failure to file an Answer to the Complaint, the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein;

3. That the Board determine whether Respondent's license should be suspended, revoked or otherwise disciplined;

4. That Respondent be ordered to pay the Board's expenses incurred in investigating and prosecuting this matter including without limitation attorney fees and costs; and

5. For such other and further relief as the Board deems just and proper.

DATED this 20th day of February, 2009.

IDAHO STATE BOARD OF NURSING

By ________________________________
Sandra Evans, M.A.Ed., R.N.
Executive Director

NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a written Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer, request a hearing and/or fail to appear at a schedule hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

COMPLAINT - 3
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2009, I caused to be served a true and correct copy of the foregoing addressed as follows:

Gloria A. Baldwin
3549 N. Cole Road, Apt. 101
Boise, ID 83704

☒ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☒ Statehouse Mail

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage $  
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Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees $  

Mailed 5-4-2010  
Postmark CT  

Sent To  
GLORIA BALDWIN  
3549 N COLE RD APT 101  
BOISE, ID. 83704  

PS Form 3811, August 2005  

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mallpiece, or on the front if space permits. 5-4-2010

1. Article Addressed to:  
GLORIA BALDWIN  
3549 N COLE RD APT 101  
BOISE, ID. 83704  

2. Article Number  
(transfer from service label) 4009 0820 0000 2802 1335  

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
X Gloria Baldwin  
Agent Address(es)  

B. Received by (Printed Name)  
GLORIA BALDWIN  

C. Date of Delivery  
10 May 5:49:36  

D. Is delivery address different from Item 1?  
Yes  
No  

3. Service Type
- Certified Mail  
- Express Mail  
- Registered  
- Return Receipt for Merchandise  
- Insured Mail  
- O.D.  

4. Restricted Delivery (Extra Fee)  
Yes