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

CHRIS BURKHOLDER
PN-10706

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

ORDER OF TERMINATION OF
LIMITED LICENSE AND
DENIAL OF LICENSE REINSTATMENT
Case No. 96-74.

On December 21, 2005, Christopher Burkholder (herein “Respondent”) was notified in writing that his limited license, numbered PN-10706, was being terminated, effective immediately, by the Executive Director of the Idaho Board of Nursing. On January 26, 2006, as indicated in the written notice of termination, the members of the Board of Nursing reviewed the Executive Director’s decision and the materials on file. Following is the Order of the Board on that review.

FINDINGS OF FACT

1. Respondent Chris Burkholder was originally issued license No. PN-10706 on June 5, 1997. This license was issued subject to Respondent’s agreement to certain conditions. Subsequently, on February 12, 1998, the Board determined that Respondent was not compliant with those conditions and entered an order revoking License No. PN-10706 by reason of voluntary surrender. A copy of the Order of Revocation of License is attached hereto as Exhibit A.

2. On September 28, 2004, Respondent applied for reinstatement of licensure. Following a review of the file materials and a meeting with Respondent, the Board issued Respondent license numbered PN-10706, a limited license subject to conditions. These conditions were spelled out in the Board’s letter of November 17, 2004 and in the Acknowledgment of Probationary Limited License and Monitoring Conditions (herein “Acknowledgment”) that Respondent signed on January 27, 2005. A copy of the letter of November 17, 2004 and the signed Acknowledgment of January 27, 2005, are attached hereto as Exhibits B and C, respectively.

3. Between January 27, 2005 and December 2, 2005, despite reminders and contacts from the board staff, Respondent failed to adhere to the requirements of the probationary limited license and monitoring conditions. A copy of the Board’s letter of December 2, 2005, detailing the requirements, is attached hereto as Exhibit D.

4. On December 21, 2005, Respondent was notified that his limited license had been terminated based on his failure to comply with the terms and conditions of his limited license as set forth in the Acknowledgment. Specifically, Respondent had failed to submit the required reports or make arrangements for monitoring with the Washington Board of Nursing. A copy of this letter is attached hereto as Exhibit E.
CONCLUSIONS OF LAW

1. Respondent’s right to continued licensure is within the regulatory jurisdiction of the Idaho Board of Nursing and his licensure is subject to compliance with the laws and rules governing the practice of nursing in the state of Idaho as set forth in title 54, chapter 14, Idaho Code.

2. Respondent’s right to continued licensure required his compliance with the terms and conditions set forth in the Acknowledgment of Probationary Limited License and Monitoring Conditions. His failure to comply with those provisions constitutes grounds for the termination of his limited license and denial of his request for reinstatement. IDAPA 23.01.01.132.04, 090.01, 100, and 101.

3. Respondent failed to assure timely submission of reports and strictly adhere to the monitoring and other requirements of the Acknowledgement

4. Respondent’s failure to submit timely reports and strictly adhere to the monitoring and other requirements of the Acknowledgment is a violation of the requirements of the nursing practice act and the duly promulgated rules of the board and, as such, constitutes grounds for the withdrawal of his limited license numbered PN-10706 and the denial of his request for reinstatement.

ORDER

NOW, THEREFORE, it is hereby ordered that Respondent’s limited license numbered PN-10706 is hereby TERMINATED and Respondent’s application for reinstatement of licensure is DENIED.

NOTICE OF APPEAL RIGHTS

This is a Final Order of the agency. Any party may file a motion for reconsideration of this Final Order within fourteen (14) days of the service date of this Order. The agency 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).

As set forth in section 54-1413, Idaho Code, and Board of Nursing Rule, IDAPA 23.01.01.165.01, you may petition for reconsideration of any final order of the Board upon the following grounds:

a. Newly discovered or newly available evidence relevant to the issues;
b. Error in the processing or Board decision that would be grounds for reversal or judicial review of the order;
c. Need for further consideration of the issues and the evidence in the public interest; or
d. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

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:

i. a hearing was held,

ii. the final agency action was taken,

iii. the party seeking review of the order resides or operates its principal place of business in Idaho, or

iv. the real property or personal property that was the subject of the agency 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.

DATED this _6_ day of February, 2006.

IDAHO STATE BOARD OF NURSING

By: [Signature]

RANDALL HUDSPETH, NP, CNS, RN
Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7TH day of February 2006, I caused to be served a true and correct copy of the foregoing ORDER OF TERMINATION OF LIMITED LICENSE AND DENIAL OF REINSTATEMENT, addressed as follows:

Cheri Bush
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: ____________________________
  - x Statehouse Mail

Kay Christensen
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: ____________________________
  - x Statehouse Mail

Chris Burkholder
10822 Bingham Avenue East
Tacoma, WA 98446

- x U.S. Mail, postage prepaid
  - x Certified U.S. Mail, return receipt
  - Hand Delivery

Dated this 7TH day of FEBRUARY, 2006.

SENDING KIT

1. Article Addressed to:

   CHRIS BURKHOLDER
   10822 BINGHAM AVE EAST
   TACOMA WA 98446

2. Article Number (Copy from service label)

   9003 0500 0003 1889 9861

3. Service Type

   - Certified Mail
   - Registered Mail
   - Insured Mail
   - Express Mail
   - Return Receipt for Merchandise
   - C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

5. Received by (Please Print Clearly)

   Nancy Burkholder

6. Date of Delivery

   05 FEB 2006

7. Signature

   Nancy Burkholder

8. Address

   10822 BINGHAM AVE EAST
   TACOMA WA 98446

9. Delivery Address Different from Item 1? Yes

   If YES, enter delivery address below:

   003 0500 0003 1889 9861

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-05-0552
CERTIFIED MAIL

Christopher Burkholder
10822 Bingham Avenue East
Tacoma, WA 98446

Dear Mr. Burkholder:

NOTICE OF TERMINATION OF
LIMITED LICENSE

You are hereby notified that the limited license, number PN-10706 issued under provisions in IDAPA 23.01.132.01. is terminated, effective immediately.

You are further notified that such action is deemed necessary in the interest of public health, safety and welfare due to failure to comply with the terms and conditions of limited licensure, by:

a. Failure to comply with the terms of the Acknowledgement of Probationary Limited License and Monitoring Conditions form signed January 22, 2005, by:

1) Failing to submit reports as required or to make arrangements with the Washington Board of Nursing for monitoring.

Your file will be presented to the Board of Nursing members at their meeting on January 26-27, 2006. You may request a hearing before the Board of Nursing regarding this termination by depositing in the mail within twenty-one (21) days after receipt of this notice, a certified letter addressed to the Board of Nursing and containing a request for a hearing.

If you fail to request a hearing, the Board of Nursing will affirm the Termination of Limited License and enter an Order of Denial of Licensure Reinstatement at their meeting.

Dated: December 21, 2005

SANDRA EVANS, MAEd, RN
Executive Director

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.
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<td>□ Print your name and address on the reverse so that we can return the card to you.</td>
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<td>□ Attach this card to the back of the mailpiece, or on the front if space permits.</td>
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<td>B. Date of Delivery</td>
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<td>2/25</td>
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<td>C. Signature</td>
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<td>X Nancy Burkholder</td>
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<td>D. Is delivery address different from item 1?</td>
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[Stamp] 102585-001-M-09950
Dear Mr. Burkholder:

The Board of Nursing has been notified that you have yet to obtain a Washington nursing license. As of this date, you are not compliant with the monitoring agreement you signed on January 27, 2005. Until you obtain a Washington nursing license, you must submit required reports, which include:

1. Performance Evaluations – to be submitted by your employer every month for three months, then quarterly thereafter. If you are not employed, you must notify the Board of Nursing to be excused from this report.
2. Self Evaluations – to be submitted every month for three months, then quarterly thereafter.
3. Sponsor Contact Evaluation – to be submitted quarterly.
4. AA/NA Attendance Record – to be submitted monthly confirming your attendance at 2 times per week.
5. Obtain and pay for random urine drug screens monthly.

Since you had not been employed in nursing for over three years, your limited license was issued with the following conditions to be removed after completion:

1. That you work under professional nurse (RN) supervision with no charge responsibilities.
2. That after a minimum of 80 hours of supervised practice, an RN supervisor submits directly to the Board of Nursing a written performance evaluation regarding basic nursing skills as addressed in the Nursing Practice Rules.
3. That you complete a content update as appropriate for a licensed practical nurse.

You must contact Linda Coley at (208) 334-3110 ext. 25 in regards to your decision to be monitored by Idaho or Washington by December 12, 2005. If no response is received, you will be considered in violation of the agreement you signed and formal disciplinary action may be taken to withdraw your limited license.

Sincerely,

[Signature]
Sandra Evans, MAEd, RN
Executive Director

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.
Chris Burkholder  
10822 Bingham Avenue E  
Tacoma WA 98446

Dear Mr. Burkholder:

Following their review of written materials and their meeting with you on November 12, 2004, the Board of Nursing members took action to issue you a limited license with conditions for five (5) years on receipt of the $100.00 fee required under IDAPA 901.04a. The conditions of limited licensure are indicated on the attached Acknowledgement of Probationary Limited License and Monitoring form.

Since you have not been employed in nursing for over three years, the limited license will initially be issued with the following additional conditions (which will be removed when the letter from your supervising RN has been received confirming your knowledge/skills update):

1. That you work under professional nurse (R.N.) supervision with no charge responsibilities.
2. That after a minimum of 80 hours of supervised practice, an R.N. supervisor submits directly to the Board of Nursing a written performance evaluation regarding basic nursing skills as addressed in Nursing Practice Rules. (The performance evaluation must confirm the number of hours you worked under R.N. supervision.)
3. That you complete a content update as appropriate for a licensed practical nurse.

You will need to affix your signature and return the form to the Board office. A copy of the signed form will be returned with your limited license. You may want to make arrangements with the Washington Board of Nursing to submit reports of compliance to this Board at specified intervals.

Motivation to assume responsibility for the submission of reports is an important aspect of recovery. Therefore, no reminders will be sent by the Board of Nursing in advance of when reports are due. You are expected to submit reports in a timely manner.

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manner. Reports may be faxed (208/334-3262) to aid in their timely submission. All reports should be submitted no later than the 30th of the month in which they are due.

The probationary limited license may be withdrawn and shall be surrendered upon demand, without prior notice or hearing, in the event the Board of Nursing or its staff receives information or evidence that any of the conditions of the Probationary Limited License or the rules of the Board have been violated.

Please contact me if you have any questions concerning the Probationary Limited License or the conditions outlined in this letter.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lh
closure