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

TERESA CLARK
PN-7420

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

In the Matter of the License of: TERESA L. CLARK, License No. PN-7420, Respondent. ) Case No. BON 07-033

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Having reviewed the Complaint and other documents filed in this matter, the Idaho State Board of Nursing (hereinafter the “Board”) enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Teresa L. Clark (“Respondent”) is licensed by the Idaho State Board of Nursing under License No. PN-7420 to engage in the practice of nursing in the State of Idaho.

2. On or about April 3, 2007, the Board received a Report of Violation of the Nursing Practice Act which alleged that on or about February 6, 2007, Respondent took approximately 30 Oxycodone tablets from a patient’s home.

3. On or about April 13, 2007, Respondent admitted to the Board’s investigator that she took Oxycodone tablets from the patient’s home.

4. On June 14, 2007, the Board filed a formal Complaint against Respondent. Said Complaint is expressly incorporated herein and made a part hereof.

5. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on June 14, 2007, by United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, addressed to Respondent at her most recent home address on file with the Board as follows:

   Teresa L. Clark  
   3836 Gulley Avenue  
   Boise, ID 83709

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 1
6. The Board received back from the post office the certified mail receipt indicating that Respondent received a copy of the Complaint on July 10, 2007. The envelope containing a copy of the Complaint sent by regular mail has not been returned to the Board.

7. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent’s license without the necessity of conducting a hearing.

8. On July 10, 2007, a Notice of Intent to Take Default was sent to Respondent by United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, to Respondent at her address of record with the Board.

9. The envelopes containing the Notice of Intent to Take Default have not been returned to the Board.

10. Respondent failed to appear or otherwise defend at the hearing scheduled during the Board meeting that took place on July 23, 2007, as advised in the Notice of Intent.

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.

2. The Complaint was sent to Respondent at the address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.

3. Respondent’s failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an
Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

4. Respondent’s acts as detailed in the incorporated Complaint constitute violations of the laws and rules governing Idaho nursing practice, including:
   a. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);
   b. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public);
   c. Board Rule 101.04.e (a nurse shall not obtain or possess prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe the drugs); and
   d. Board Rule 101.05.f (a nurse shall respect the property of the patient and shall not take or divert drugs without prior consent or authorization).

5. Pursuant to Idaho Code §§ 54-1413(3)(a) and 67-5242(4), the Board is authorized to impose sanctions against Respondent.

ORDER

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

1. Pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, Respondent is in default.

2. License No. PN-7420 issued to Teresa L. Clark is hereby:
   X 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 in any
other state participating in the Nurse Licensure Compact with the State of Idaho.

3. Any application for reinstatement of licensure by Respondent shall be subject to the provisions of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120. This will include, but is not limited to, providing the following information to the Board:
   a. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;
   b. Documentation that she is rehabilitated and competent to practice nursing by submitting:
      i. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement.
      ii. A detailed summary of employment since licensure revocation or suspension; and
      iii. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.

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

This order is effective immediately.

DATED this ___ day of ___ , 2007.

IDAHO STATE BOARD OF NURSING

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

NOTICE OF DUE PROCESS RIGHTS

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 agency 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 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this __TH day of __, 2007, I caused to be served a true and correct copy of the foregoing addressed as follows:

Teresa L. Clark
3836 Gulley Avenue
Boise, ID 83709

☐ 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

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

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: )
TERESA L. CLARK, ) Case No. BON 07-033
License No. PN-7420, ) AFFIDAVIT OF
Respondent. ) CHANEL JOHNSON

STATE OF IDAHO ) ss.
County of Ada )

I, Chanel Johnson, being first duly sworn, depose and say:

1. I am employed as an Investigator by the Idaho State Board of Nursing (the "Board"). I am responsible for maintaining the files of the contested cases for the Board.

2. On June 14, 2007, I mailed a copy of the Complaint in this matter by both regular mail and certified mail, return receipt requested, to Respondent at the address on file with the Board:

   Teresa L. Clark
   3836 Gulley Avenue
   Boise, ID 83709

3. The Board received back from the post office the certified mail return receipt indicating that the copy of the Complaint sent by certified mail was received at Respondent's address on July 10, 2007.

4. The Board has not received back from the post office the envelope containing a copy of the Complaint which was sent to Respondent by regular mail.

5. On July 10, 2007, the Notice of Intent to Take Default was mailed to Respondent by certified mail, return receipt requested, and by regular mail to Respondent at the address on record with the Board.

6. The Board has not received back from the post office the envelopes containing the copies of the Notice of Intent to Take Default which was sent to
Respondent by certified or regular mail.

This concludes my affidavit.

Chanel Johnson

SUBSCRIBED AND SWORN TO before me this 9th day of July, 2007.

LINDA H. COLEY
Notary Public for Idaho

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2007, I caused to be served a true and correct copy of the foregoing addressed as follows:

Teresa L. Clark
3836 Gulley Avenue
Boise, ID 83709

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

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

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☒ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing

AFFIDAVIT OF CHANEL JOHNSON - 2