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

JUDITH CLENDENON
PN-9336

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:  

JUDITH CLENDENON  
License No. PN-9336  

Case No. 04-049  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER  
Respondent.

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. Judith Clendenon (hereinafter "Respondent") is licensed by the Idaho State Board of Nursing under License No. PN-9336 to engage in the practice of nursing in the State of Idaho.

2. On or about April 2, 2004, Respondent's former employer advised the Board that Respondent had been terminated for failing to accurately and adequately document medications and there was a shortage of Ambien. The complaining party suspected Respondent was diverting the medication.

3. On or about July 2, 2004, Respondent was interviewed by a Board staff member regarding the Report of Violation filed by her former employer. Respondent denied that she was diverting Ambien, but acknowledged she had not documented medications given or that she even paid any attention to how many medications she had given stating she was too overwhelmed to do so.

4. On September 22, 2004, the Board sent a formal Complaint to Respondent citing her actions or inactions and the laws and rules of the Board that she had violated. The Complaint sets forth in the second prayer for action that if Respondent did not
respond the Board would issue Findings of Fact, Conclusions of Law and enter an Order imposing discipline against her license to practice. See Exhibit A.

5. When Respondent failed to respond a Notice of Intent to Take Default was again sent to Respondent’s last known address. She was advised that default would be taken against her at the next regularly scheduled Board meeting on November 11, 2004. See Exhibit B.

6. On November 11, 2004, the Board considered the Complaint filed against Respondent, entered default against her and imposed discipline pursuant to Idaho Code and the Idaho Administrative Procedure Act.

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. Respondent’s Idaho licensure, PN-9336, is conditioned upon her complying with all the laws, rules and regulations regarding the practice of nursing. The Board found Respondent’s actions as set forth above to be violations of Idaho Code § 54-1413(1)(e) and (g) and IDAPA 23. 01.01.100.06 and .08, 23.01.01.101.04.e, and 23.01.01.101.05.c and .05.e and hence constitute grounds for imposing discipline.

3. Respondent’s acts as set forth above and her failure to act as set forth in the attached documents constitute violations of Idaho Code § 54-1413, thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code §§ 54-1413(3)(a) and 67-5242(4).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that License No. PN-9336 issued to Judith Clendenon, is hereby revoked, effective immediately.
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 alcohol and non-medically prescribed drugs;
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.

DATED this 11th day of November, 2004.

IDAHO STATE BOARD OF NURSING

By: Randi O. Hoadley
RANDALL HUDSPETH, NP, CNS
CHAIRMAN
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 11th day of November, 2004, 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:

Cheri L. 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

Judith Clendenon
P.O. Box 4254
McCall, ID 83638

X U.S. Mail, postage prepaid
X Certified U.S. Mail, return receipt
__ Hand Delivery
__ 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: 

JUDITH CLENDENON,
License No. PN-9336
Respondent.

Case No. 04-049
NOTICE OF INTENT
TO TAKE DEFAULT

The Idaho State Board of Nursing (hereinafter the “Board”) received information from Respondent’s former employer of a violation of the Nurse Practice Act. Board staff spoke with Respondent about the allegation on July 2, 2004. Respondent was suspected of diverting prescription medication. Respondent has denied this, but admitted she had failed to document medications dispensed to patients at the facility and had not paid attention to what she gave out or to whom. Respondent agreed to undergo a drug/alcohol evaluation. When Respondent failed to submit said evaluation to the Board in a timely fashion the formal complaint was issued. Respondent’s actions and failures to act constitute sufficient grounds for the initiation of an administrative action against Respondent’s Idaho nursing license, pursuant to Idaho Code 54-1413 (1)(e) and IDAPA 23.01.01.100.06, and 23.01.01.101.03.e.

On September 22, 2004, the Board filed a formal Complaint against Respondent. The Complaint was sent to Respondent at her last address of record. The United States Post Office has not returned the Complaint marked as undeliverable.

THIS IS NOTICE OF THE INTENT TO TAKE DEFAULT AGAINST RESPONDENT AT THE NEXT REGULARLY SCHEDULED BOARD MEETING ON NOVEMBER 11, 2004. THIS IS TO FURTHER ADVISE RESPONDENT THE DEFAULT SOUGHT WILL BE INDEFINITE SUSPENSION OR REVOCATION OF LICENSE PN-9336.
Respondent should contact the Board in writing via:

Vicky Goetsche, MBA, RN
Associate Director
P.O. Box 83720
Boise, ID 83720-0061
Fax (208) 334-3262

Respondent must also send a copy of any written contact to:

Cheri L. Bush, D.A.G.
Office of the Attorney General, Civil Litigation
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 334-2830

DATED this 20th day of October, 2004.

IDAHO STATE BOARD OF NURSING

By Sandra Evans, M.A.Ed., R.N.
Executive Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 2004, I caused to be served a true and correct copy of the foregoing NOTICE OF INTENT TO TAKE DEFAULT addressed as follows:

Cheri L. Bush  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

Judith Clendenon  
P.O. Box 4254  
McCall, ID 83638

U.S. Mail, postage prepaid
Certified U.S. Mail, return receipt
Hand Delivery
Overnight Mail
Facsimile: (208) 334-2830
Statehouse Mail

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.  
Executive Director  
Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: 
JUDITH CLENDENON, 
License No. PN-9336 
Respondent. 

Case No. 04-049
COMPLAINT

To: Judith Clendenon 
P.O. Box 4254 
McCall, ID 83638

STATEMENT OF CHARGES

1. The Idaho State Board of Nursing (hereinafter the “Board”) is empowered by Idaho Code § 54-1404 to regulate the practice of nursing in the State of Idaho.

2. Judith Clendenon (hereinafter “Respondent”) is licensed to engage in the practice of nursing by the Idaho State Board of Nursing under License No. PN-9336.

3. On or about April 2, 2004, the Board received a Report of Violation of the Nursing Practice Act from SunBridge Care & Rehabilitation Center in McCall, Idaho, Respondent’s former employer. The complainant reported Respondent failed to adequately and accurately document medications and that there was a shortage of Ambien. Complainant suspected diversion by Respondent.

4. On July 2, 2004, a Board staff member interviewed Respondent about the Report of Violation and her involvement in the incidents reported to the Board. Respondent denied she was diverting Ambien, but acknowledged she did not document medications.

COMPLAINT - 1
given or that she paid any attention to how many medications she had given. She stated she was too overwhelmed to do so.

5.

Medication records obtained from the Board of Pharmacy show Plaintiff was prescribed large quantities of both Ambien and Hydrocodone. In the interview on July 2, 2004, Respondent advised the staff member she would submit to a drug/alcohol evaluation and provide the report to the Board. To date, Respondent has not done so.

6.

Respondent’s conduct as set forth above, if proven, constitutes grounds for discipline as follows:

a. For violations of Idaho Code § 54-1413 (1)(e) and IDAPA 23.01.01.100.06—Habitually uses alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs;

b. For violations of Idaho Code § 54-1413 (1)(g) and IDAPA 23.01.01.100.08 and 23.01.01.101.01—Violates the law, or rules and standards of conduct and practice as may be adopted by the board;

c. For violations of IDAPA 23.01.01.101.04.e—The nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs;

d. For violations of IDAPA 23.01.01.101.05.e—The nurse shall be responsible and accountable for his/her nursing judgments, actions and competence; and

g. For violations of IDAPA 23.01.01.101.05.e—The nurse shall make or keep accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into patients’ records or employer or employee records.
7.

Pursuant to Idaho Code § 54-1413, the Board is authorized to enter an order suspending, revoking or otherwise disciplining Respondent’s license for Respondent’s violations of Idaho Code and the Board’s duly promulgated rules, as set forth above.

WHEREFORE, the Idaho State Board of Nursing prays for the following action:

1. That a hearing commence at a designated time to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board’s designated hearing officer;

2. That subsequent to taking evidence, the waiver of a hearing, or the failure of the Respondent to file an Answer to this administrative Complaint, that the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein and the Board shall determine whether the license of Respondent Judith Clendenon should be suspended, revoked or otherwise disciplined pursuant to the statutory and regulatory authority of the Board of Nursing; and

3. For such other and further relief as the Board deems just and proper in the circumstances.

DATED this 22ND day of SEPTEMBER, 2004.

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 verified 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 and/or request a 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.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Board at the following address:

Idaho State Board of Nursing
280 N. Eighth Street, Suite 210
P.O. Box 83720
Boise, ID 83720-0061
telephone: (208) 334-3110
facsimile: (208) 334-3262

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon legal counsel for the Board at the following address:

Cheri L. Bush
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22ND day of SEPTEMBER 2004, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Cheri L. 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: (208) 334-2830
Statehouse Mail

Judith Clendenon
P.O. Box 4254
McCall, ID 83638

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.
Executive Director
Board of Nursing