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

SARA COGSWELL
N-21134
Dear Ms. Cogswell:

During their meeting on February 2-3, 2012, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-21134 was revoked.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 February 3, 2012. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lhc
enclosure
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

SARAH COGSWELL,
License No. N-21134,
Respondent.

Case No. BON 11-068

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The Idaho State Board of Nursing ("Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Sarah Cogswell ("Respondent") has been licensed by the Board, under License No. N-21134, to engage in the practice of nursing in the State of Idaho.

2. On or about August 19, 2011, the Board received a Report Form for Violation of the Nursing Practice Act ("Report"), which contained allegations pertaining to Respondent's employment at Valley Vista Care in Sandpoint, Idaho. Specifically, the Report set forth the following allegations:

   a. On August 10, 2011, while employed as a nurse at Valley Vista Care, Respondent was questioned about missing Fentanyl patches, which Respondent claimed to have wasted;

   b. Valley Vista Care did not believe Respondent's claims regarding the Fentanyl patches and contacted law enforcement;

   c. When law enforcement arrived, Respondent was arrested for possession of a controlled substance;

   d. A subsequent search by law enforcement of Respondent's home produced multiple controlled substance records related to the controlled substances Respondent had diverted from Valley Vista Care; and

   e. Valley Vista Care terminated Respondent's employment as a result of her diversion of controlled substances.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 1
3. On or about August 26, 2011, the Board notified Respondent via letter that the Board had received information of concern regarding her nursing practice and that the Board would like to discuss the situation.

4. On September 4, 2011, after discussing this matter with Janet Edmonds, Director of Professional Compliance for the Board, Respondent voluntarily surrendered her license. A true and correct copy of Respondent's Temporary Voluntary Surrender of License form is attached hereto as Exhibit A.

5. In the course of voluntarily surrendering her license, Respondent "admitted to chemical dependency and was arrested for possession of a controlled substance – Morphine without [the] benefit of a prescription/label". See Exhibit A.

6. Also, in the course of voluntarily surrendering her license, Respondent agreed to enter treatment immediately and to participate in the Program for Recovering Nurses ("PRN"), a monitoring program, and to resume the practice of nursing only at such time as a conditional limited license was issued to her. See Exhibit A.

7. On or about October 11, 2011, Respondent informed the Board via letter that she did not intend to enroll in PRN and requested that she be allowed to have her practice monitored outside the PRN program by Dr. Robert Rust. A true and correct copy of Respondent's October 11, 2011, letter to the Board is attached hereto as Exhibit B.

8. On or about December 15, 2011, during a phone conversation with Ms. Edmonds, Respondent confirmed that she did not intend to enroll in PRN and stated that she planned to return to college to pursue a career as an addiction specialist.

9. To date, Respondent has not enrolled in PRN.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and the provisions of title 54, chapter 14, Idaho Code.

2. Respondent's Idaho License No. N-21134 is conditioned upon her compliance with the laws and rules of the Board, including the terms of her voluntary surrender.

3. Respondent has violated the terms upon which she voluntarily surrendered her license, in that she failed to enroll in and participate in PRN.
4. Pursuant to Idaho Code § 54-1413(3)(a), Respondent's voluntary surrender of her license empowers the Board, without a hearing, 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.

5. Grounds for discipline exist against Respondent’s license because:
   a. Respondent habitually uses alcohol or drugs, in violation of Idaho Code § 54-1413(1)(e) and Board Rule 100.06;
   b. Respondent violated the Board’s laws, rules, or standards of conduct, in violation of Idaho Code § 54-1413(1)(g) and Board Rule 100.08;
   c. Respondent engaged in conduct likely to deceive, defraud or endanger patients or the public, in violation of Idaho Code § 54-1413(h) and Board Rule 100.09;
   d. Respondent obtained, possessed, furnished or administered prescription drugs to self, in violation of Board Rule 101.04.e.;
   e. Respondent shall be responsible and accountable for her nursing judgments, actions and competence, in accordance with Rule 101.05.c.;
   f. Respondent failed to make or keep accurate, intelligible entries into records required by law, employment or customary practice of nursing, and/or falsified, destroyed, altered or knowingly made incorrect or unintelligible entries into patients’ records or employer or employee records, in violation of Board Rule 101.05.e.; and
   g. Respondent diverted equipment, materials, property, or drugs without prior consent or authorization, in violation of Board Rule 101.05.f.

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. N-21134 issued to Sarah Cogswell is hereby:
   ✓ Revoked.
   ___ 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. 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.

3. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.062. This will include, but is not limited to, providing the following information to the Board:

   a. **Health Care Providers:** 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);

   b. **Health Care Provider's Evaluation:** 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 shall 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, Respondent shall provide the provider with, and request that the provider review, the Idaho Board of Nursing Position on Safety to Practice. A copy of the Idaho Board of Nursing Position on Safety to Practice is attached as Exhibit C;

   c. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

   d. Documentation that Respondent is rehabilitated and competent to practice nursing by submitting:

      i. A recent, within 6 months, comprehensive drug/alcohol evaluation completed by a qualified Board approved evaluator at the time of application for reinstatement.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 4
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 at least two (2) years of documented sobriety with 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 3rd day of February, 2012.

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 issuance 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 6th day of February, 2012, I caused to be served a true and correct copy of the foregoing by the following method to:

Sarah Cogswell  
117 S. Lincoln #108  
Sandpoint, ID 83864

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

Andrew J. Snook  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. Mail  
☐ Hand Delivery  
☐ Overnight Mail  
☐ Facsimile: ___  
☑ Email: andy.snook@ag.idaho.gov  
leslie.gottsch@ag.idaho.gov

Linda H. Coley, Management Assistant  
Board of Nursing
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Sent To:
SARA COGSWELL
117 S LINCOLN, #108
SANDPOINT, ID 83864

PS Form 3800, August 2006
See reverse for instructions