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

RON CRUZ
N-27005
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  

RONALD CRUZ,  
License No. N-27005,  
Respondent.  

Case No. BON 06-014  

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. Ronald Cruz (“Respondent”) is licensed by the Idaho State Board of Nursing under License No. N-27005 to engage in the practice of nursing in the State of Idaho.

2. At all times relevant herein, Respondent worked as a traveling nurse through Cross Country TravCorps.

3. On January 31, 2006, Respondent reported for employment to Saint Alphonsus Regional Medical Center (SARMC) and took a pre-employment drug screen.

4. On February 3, 2006, the Pyxis records showed that Respondent removed a 100 mg. vial of Fentanyl for patient RO at 1958 and at 2004. Both doses were subsequently noted in Pyxis as having been wasted at 2040. There was no order for Fentanyl for the patient, and Respondent was unable to adequately explain why it took him approximately 36 minutes to waste the two vials of Fentanyl.

5. On February 6, 2006, the Pyxis machine recorded that Respondent removed Soma for patient RO at 2026. Respondent was not assigned to patient RO on that shift. On the same shift, Respondent also removed Soma doses for patient RO at 0037 and 0334 (on February 7, 2006). None of the Soma doses were recorded on the MAR and there
was no note anywhere in the medical record to indicate that patient RO needed Soma or that the doses removed from the Pyxis machine were administered. The nurse assigned to patient RO reported that RO was his only patient that night, that RO had a very good night, was given the minimum dose of oral Hydrocodone at 1945 and required no other pain or muscle relaxing medication throughout the night, and that Respondent did not assist in the care of patient RO that shift. At no time during the shift did Respondent apprise the nurse assigned to patient RO that he had provided a PRN medication or that he provided three doses throughout the night.

6. When Respondent removed one Soma from the Pyxis machine on February 6, 2006, at 2026 for patient RO, the count when the drawer was opened was 20, and when the transaction was completed it was recorded and agreed to by Respondent as 19. The drawer then malfunctioned, and Respondent unsuccessfully attempted a number of times during the night to “recover” the drawer. The other Soma Respondent obtained for patient RO during that shift were subsequently taken from another Pyxis machine. At 0506 on February 7, 2006, a pharmacy staff member recovered the drawer and opened it for inventory count. The count at that time was 16, indicating three Soma were unaccounted for. On February 8, 2006, the Pyxis company representative opened the back of the Pyxis machine and found no loose medications.

7. On February 7, 2006, the SARMC Director of Nursing was informed by the Occupational Health nurse that Respondent’s pre-employment drug sample was positive for Methadone. On that date, SARMC temporarily suspended Respondent from duty pending investigation.

8. On February 8, 2006, Respondent was terminated from SARMC.


10. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on August 25, 2006, by United States Mail, postage prepaid,
both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at his most recent home address on file with the Board, as follows:

Ronald Cruz  
1205 Dominion Drive  
Redding, CA 96002

11. 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 August 29, 2006. The Board did not receive back from the post office the envelope containing a copy of the Complaint which was sent to Respondent by regular mail.

12. 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.

13. On September 20, 2006, 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 his address of record with the Board.

14. The Board received back from the post office the certified mail return receipt indicating that the copy of the Notice of Intent to Take Default sent by certified mail was received at Respondent’s address on September 23, 2006. The Board did not receive back from the post office the envelope containing a copy of the Complaint which was sent to Respondent by regular mail.

15. Respondent failed to appear or otherwise defend at the hearing scheduled
during the Board meeting that took place on November 2-3, 2006, 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 his 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 Idaho Code § 54-1413(1)(g) and Board Rules (IDAPA 23.01.01) 100.08, 100.09, 101.04.e, 101.04.i, 101.04.j, 101.05.d, 101.05.e, and 101.05.f, 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:

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

2. License No. N-27005 issued to Ronald Cruz is:
   □ Revoked
   ☑ Suspended ______ days/year(s) ______ indefinitely

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 order is effective immediately.

DATED this 1st day of November, 2006.

IDAHO STATE BOARD OF NURSING

By, [Signature]
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 6TH day of November, 2006, I caused to be served a true and correct copy of the foregoing by the following method to:

Ronald Cruz
1205 Dominion Drive
Redding, CA 96002

☐ 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: 

RONALD CRUZ, 
License No. N-27005, 
Respondent. 

Case No. BON 06-014

AFFIDAVIT OF 
CHANTEL 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 August 25, 2006, I mailed a copy of the Complaint in this matter by both regular mail and certified mail, return receipt requested, to Respondent Ronald Cruz at the address on file with the Board: 1205 Dominion Drive, Redding, CA 96002.

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 August 29, 2006. 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.

4. On September 20, 2006, I mailed a copy of the Notice of Intent to Take Default in this matter by both regular mail and certified mail, return receipt requested, to Respondent at his address on file with the Board.

5. The Board received back from the post office the certified mail return receipt indicating that the copy of the Notice of Intent to Take Default sent by certified mail was received at Respondent’s address on September 23, 2006. The Board has not received back from the post office the envelope containing a copy of the Notice of Intent...
to Take Default which was sent to Respondent by regular mail.
This concludes my affidavit.

Chanel Johnson

SUBSCRIBED AND SWORN TO before me this 24th day of October, 2006.

Linda H. Coley
Notary Public for Idaho
My Commission Expires: 3/25/09

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 2006, I caused to be served a true and correct copy of the foregoing addressed as follows:

- U.S. Mail
- Certified Mail, Return Receipt Requested

Ronald Cruz
1205 Dominion Drive
Redding, CA 96002

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
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
RONALD CRUZ,  
License No. N-27005,  
Respondent.  

Case No. BON 06-014
NOTICE OF INTENT TO TAKE DEFAULT

On August 25, 2006, the Idaho State Board of Nursing ("Board") filed a Complaint against Respondent for violations of the Board’s laws and rules. The Complaint was sent to Respondent at his last address of record and advised Respondent that if he did not timely answer the Complaint or otherwise defend, default would be sought against him. Respondent has failed to answer or otherwise defend, and default is appropriate pursuant to Idaho Code § 67-5242.

THIS IS NOTICE OF THE INTENT TO TAKE DEFAULT AGAINST RESPONDENT AT THE NEXT REGULARLY SCHEDULED BOARD MEETING ON NOVEMBER 2-3, 2006. THIS IS TO FURTHER ADVISE RESPONDENT THE DEFAULT SOUGHT WILL BE INDEFINITE SUSPENSION OR REVOCATION OF LICENSE N-27005.

Respondent should contact the Board in writing via:

Chanel Johnson, MN, RN  
Board Investigator  
P.O. Box 83720  
Boise, ID 83720-0061  
Fax: (208) 334-3262

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

Karl T. Klein  
Deputy Attorney General  
Civil Litigation Division  
P.O. Box 83720  
Boise, ID 83720-0010  
Fax: (208) 334-2830

NOTICE OF INTENT TO TAKE DEFAULT - 1
DATED this 19th day of September, 2006.

IDAHO STATE BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2006, I caused to be served a true and correct copy of the foregoing addressed as follows:

Ronald Cruz
1205 Dominion Drive
Redding, CA 96002

☒ 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

NOTICE OF INTENT TO TAKE DEFAULT - 2
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: 

RONALD CRUZ, 
License No. N-27005, 
Respondent. 

Case No. BON 06-014 
COMPLAINT

To: Ronald Cruz 
1205 Dominion Drive 
Redding, CA 96002 

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. 
Ronald Cruz (hereinafter “Respondent”) is licensed to engage in the practice of professional nursing by the Idaho State Board of Nursing under License No. N-27005. 

3. 
At all times relevant herein, Respondent worked as a traveling nurse through Cross Country TravCorps. 

4. 
On January 31, 2006, Respondent reported for employment to Saint Alphonsus Regional Medical Center (SARMC) in Boise, Idaho, and took a pre-employment drug screen. 

5. 
On February 3, 2006, the Pyxis records at SARMC showed that Respondent removed a 100 mg. vial of Fentanyl for patient R.O. at 1958 and at 2004. Both doses were subsequently noted in Pyxis as having been wasted at 2040. There was no order for Fentanyl for the patient, and Respondent was unable to adequately explain why it took 

COMPLAINT - 1
him approximately 36 minutes to waste the two vials of Fentanyl.

6.

On February 6, 2006, the Pyxis machine at SARMC recorded that Respondent removed Soma for patient R.O. at 2026. Respondent was not assigned to patient R.O. on that shift. On the same shift, Respondent also removed Soma doses for patient R.O. at 0037 and 0334 (on February 7, 2006). None of the Soma doses were recorded on the MAR and there was no note anywhere in the medical record to indicate that patient R.O. needed Soma or that the doses removed from the Pyxis machine were administered. The nurse assigned to patient R.O. reported that R.O. was his only patient that night, that R.O. had a very good night, was given the minimum dose of oral Hydrocodone at 1945 and required no other pain or muscle relaxing medication throughout the night, and that Respondent did not assist in the care of patient R.O. that shift. At no time during the shift did Respondent apprise the nurse assigned to patient R.O. that he had provided a PRN medication or that he provided three doses throughout the night.

7.

When Respondent removed one Soma from the Pyxis machine at SARMC on February 6, 2006, at 2026 for patient R.O., the count when the drawer was opened was 20, and when the transaction was completed it was recorded and agreed to by Respondent as 19. The drawer then malfunctioned, and Respondent unsuccessfully attempted a number of times during the night to “recover” the drawer. The other Soma Respondent obtained for patient R.O. during that shift were subsequently taken from another Pyxis machine. At 0506 on February 7, 2006, a pharmacy staff member recovered the drawer and opened it for inventory count. The count at that time was 16, indicating three Soma were unaccounted for. On February 8, 2006, the Pyxis company representative opened the back of the Pyxis machine and found no loose medications.

8.

On February 7, 2006, the SARMC Director of Nursing was informed by the
Occupational Health nurse that Respondent’s pre-employment drug sample was positive for Methadone. On that date, SARMC temporarily suspended Respondent from duty pending investigation.

9.

On February 8, 2006, Respondent was terminated from SARMC.

10.

Respondent’s conduct as described in above constitutes violations of the laws governing the practice of nursing, specifically Idaho Code § 54-1413(1)(g) and Board Rules (IDAPA 23.01.01) 100.08, 100.09, 101.04.e, 101.04.i, 101.04.j, 101.05.d, 101.05.e, and 101.05.f.

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;

3. That the Board determine whether the license of Respondent Ronald Cruz should be suspended, revoked or otherwise disciplined pursuant to the statutory and regulatory authority of the Board of Nursing;

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 in the circumstances.

/ / / 

COMPLAINT - 3
DATED this 25th day of AUGUST, 2006.

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:

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of AUGUST, 2006, I caused to be served a true and correct copy of the foregoing addressed as follows:

Ronald Cruz  
1205 Dominion Drive  
Redding, CA 96002

☐ 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

COMPLAINT - 5
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 22, 2006

Certified Mail, Return Receipt Requested
and Regular Mail

Mr. Ronald Cruz
1205 Dominion Drive
Redding, CA 96002

Re: Board of Nursing Investigation;
Case No. BON 06-014

Dear Mr. Cruz:

As you are aware, the Board of Nursing recently completed an investigation into allegations concerning your actions while employed with Saint Alphonsus Regional Medical Center in January and February 2006. The investigation revealed that you were unable to adequately explain the wasting of Fentanyl or explain missing doses of Soma. In addition, your pre-employment drug sample was positive for Methadone.

Your actions, if proven, would constitute a violation of the laws and rules governing the practice of nursing in the State of Idaho and would constitute grounds for disciplinary action against your license. You have two options available at this time to resolve this matter. First, you may enter into a stipulation whereby you agree to the stated violations and proposed disciplinary sanctions, or you may proceed with a formal disciplinary administrative hearing before the Board of Nursing. If you choose to settle this dispute by stipulation, please sign the enclosed Consent Order and return the original to me by July 14, 2006. The order will then be presented to the Board at its next meeting, and the Board will vote to accept or reject the order. On the other hand, you may choose to proceed with a formal hearing in this matter. In that case, the Board will hear all the evidence, make findings of fact and conclusions of law, and determine what discipline, if any violations are found, is appropriate.

Civil Litigation Division
P.O. Box 82720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 334-2830
Located at 650 W. State Street
Len B. Jordan Building, Lower Level
If I do not hear from you by July 14, 2006, we will file a formal complaint against
your license and proceed accordingly. Although I cannot give you any legal advice, I
would be happy to discuss this matter should you have any questions. If you desire any
legal advice, I suggest you contact a private attorney.

Thank you for your attention to this matter.

Sincerely yours,

KARL T. KLEIN
Deputy Attorney General

Enclosure
cc (w/enc.): Idaho Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
RONALD CRUZ,  
License No. N-27005,  
Respondent.  

Case No. BON 06-014  
STIPULATION AND  
CONSENT ORDER

WHEREAS, information having been received by the Idaho State Board of Nursing (hereinafter the “Board”) which constitutes sufficient grounds for the initiation of an administrative action against Ronald Cruz (hereinafter “Respondent”); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.  
1. The Board may regulate the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

2. Respondent Ronald Cruz is a licensee of the Idaho State Board of Nursing and holds License No. N-27005 to practice professional nursing in the State of Idaho. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code.

3. At all times relevant herein, Respondent worked as a traveling nurse through Cross Country TravCorps.

4. On January 31, 2006, Respondent reported for employment to Saint Alphonsus Regional Medical Center (SARMC) and took a pre-employment drug screen.

5. On February 3, 2006, the Pyxis records showed that Respondent removed a 100 mg. vial of Fentanyl for patient RO at 1958 and at 2004. Both doses were subsequently noted in Pyxis as having been wasted at 2040. There was no order for
Fentanyl for the patient, and Respondent was unable to adequately explain why it took him approximately 36 minutes to waste the two vials of Fentanyl.

6. On February 6, 2006, the Pyxis machine recorded that Respondent removed Soma for patient RO at 2026. Respondent was not assigned to patient RO on that shift. On the same shift, Respondent also removed Soma doses for patient RO at 0037 and 0334 (on February 7, 2006). None of the Soma doses were recorded on the MAR and there was no note anywhere in the medical record to indicate that patient RO needed Soma or that the doses removed from the Pyxis machine were administered. The nurse assigned to patient RO reported that RO was his only patient that night, that RO had a very good night, was given the minimum dose of oral Hydrocodone at 1945 and required no other pain or muscle relaxing medication throughout the night, and that Respondent did not assist in the care of patient RO that shift. At no time during the shift did Respondent apprise the nurse assigned to patient RO that he had provided a PRN medication or that he provided three doses throughout the night.

7. When Respondent removed one Soma from the Pyxis machine on February 6, 2006, at 2026 for patient RO, the count when the drawer was opened was 20, and when the transaction was completed it was recorded and agreed to by Respondent as 19. The drawer then malfunctioned, and Respondent unsuccessfully attempted a number of times during the night to “recover” the drawer. The other Soma Respondent obtained for patient RO during that shift were subsequently taken from another Pyxis machine. At 0506 on February 7, 2006, a pharmacy staff member recovered the drawer and opened it for inventory count. The count at that time was 16, indicating three Soma were unaccounted for. On February 8, 2006, the Pyxis company representative opened the back of the Pyxis machine and found no loose medications.

8. On February 7, 2006, the SARMC Director of Nursing was informed by the Occupational Health nurse that Respondent’s pre-employment drug sample was positive for Methadone. On that date, SARMC temporarily suspended Respondent from duty
pending investigation.

9. On February 8, 2006, Respondent was terminated from SARMC.

10. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of nursing, specifically Idaho Code § 54-1413(1)(g) and Board Rules (IDAPA 23.01.01) 100.08, 100.09, 101.04.e and 101.05.f.

11. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

B.

I, Ronald Cruz, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations, if proven, constitute cause to discipline my license to practice nursing in the State of Idaho, and I agree that the Board has jurisdiction to proceed in this matter.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this Stipulation whereby:
1. License No. N-27005 issued to Respondent Ronald Cruz is hereby REVOKED and Respondent shall immediately return said license to the Board.

2. At such time as Respondent requests reinstatement of licensure, he shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120.

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

4. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent’s approval, or reject this settlement agreement, and if rejected by the Board, an administrative hearing will be held at the next regularly scheduled Board meeting. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the allegations in the Complaint if, after review by the Board, this settlement agreement is rejected.

3. If the Board does not accept this Consent Order, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. This Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.
6. Respondent understands that the Board will not refund, in whole or in part, any monies paid to the Board for initial licensure or renewal licensure.

7. Any default of this Consent Order shall be considered a violation of Idaho Code § 54-1413. If Respondent violates or fails to comply with this Consent Order, the Board may impose additional discipline pursuant to the following procedure:

   a. The Board’s executive director shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

   b. At the hearing before the Board upon default, Board staff and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

   c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent’s practice or suspension or revocation of Respondent’s license.

8. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

9. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be
waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Consent Order as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this ___ day of ____________________, 2006.

________________________________________
Ronald Cruz
Respondent

I concur in this stipulation and order.

DATED this ___ day of ____________________, 2006.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By __________________________
Karl T. Klein
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-1404, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the ___ day of ____________, 2006. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By __________________________
Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of ____________, 2006, I caused to be served a true and correct copy of the foregoing by the following method to:

Ronald Cruz
1205 Dominion Drive
Redding, CA  96002

☐ 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