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

Diana Curtis

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Diana Curtis  
525 Burk Lane  
Nampa ID 83686

Dear Ms. Curtis:  

During their meeting on July 23-24, 2009, 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to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-33983 was revoked.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 July 24, 2009. 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

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.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: DIANA CURTIS, License No. N-33983, Respondent. ) ) Case No. BON 09-012

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Having reviewed the documents appended hereto, the Idaho State Board of Nursing (the “Board”) enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Diana Curtis (“Respondent”) has been licensed by the Idaho State Board of Nursing under License No. N-33983 to engage in the practice of nursing in the State of Idaho.

2. On or about December 20, 2008, Respondent’s employer reported to the Board that Respondent appeared to be impaired while on duty. Respondent was evaluated by her supervisor and was noted to have pungent alcohol smell on her breath and a prominent slur to her speech. Respondent consented to both a ETOH saliva test as well as a Breathalyzer test. The results of the ETOH saliva test was greater than .4 and the results of the Breathalyzer test was .3. Respondent’s supervisor notified Respondent that the police would be called if she attempted to drive home, and a taxi was provided by the employer. Respondent’s employment was subsequently terminated.

3. On January 9, 2009, Respondent reported to Board staff that she was an alcoholic.


5. On March 13, 2009, the PRN notified the Board that Respondent had failed to meet the PRN deadline of March 13, 2009, to return her contract for monitoring. A
copy of the March 13, 2009, letter from PRN to the Board is attached hereto as Exhibit A.

6. On April 6, 2009, Respondent voluntarily surrendered her license, admitting that she was “impaired and under the influence at work.” 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. A copy of Respondent’s Temporary Voluntary Surrender of License is attached hereto as Exhibit B.

7. Respondent has never entered the PRN.

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 License No. N-33983 is conditioned upon her complying with the laws and rules of the Idaho State Board of Nursing.

3. Respondent has violated the terms upon which she voluntarily surrendered her license in lieu of discipline, in that she failed to enroll in and participate in the 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, which is forbidden by Idaho Code § 54-1413(1)(g) and Board Rule 100.08, by practicing nursing while her ability to practice was impaired by alcohol or drugs or physical, mental or emotional disability in contravention of Board Rule 101.03.e.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 2
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-33983 issued to Diana Curtis is hereby:
   ✓ 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 on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

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

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

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This order is effective immediately.

DATED this 24th day of July, 2009.

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 27th day of July, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Diana Curtis
525 Burk Lane
Nampa, ID 83686

☒ 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

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 5
Sandra Evans
Board of Nursing
P.O. Box 83720
Boise, ID 83720-0061

RE: Diana Curtis

Dear Ms. Evans,

This letter is to inform you that Ms. Diana Curtis has failed to meet the Program for Recovering Nurses (PRN) deadline of March 13, 2009 to return her contract for monitoring. Ms. Curtis' PRN contract was sent to her on February 25, 2009 with instructions to initial, sign, date, and return "no later than March 13, 2009". Ms. Curtis has failed to meet that deadline.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact me at (208) 323-9555.

Sincerely,

[Signature]

Steven R. Hurst
PRN Compliance Monitor
Southworth Associates

Ce: Diana Curtis
RULE 132
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

1. Diana Curtis, by affixing my signature hereto, acknowledge that:
   
   1. I admit that I have engaged in the following conduct: impaired and under the influence at work.

2. I understand that the admitted facts constitute grounds for disciplinary action pursuant to the Nursing Practice Act, Idaho Code, §§54-1413 (1) and the rules of the Board, IDAPA 23.01.01, et seq. I also understand that the Board of Nursing has the authority to accept this voluntary surrender pursuant to Idaho Code §§54-1404(2).

3. I am aware that, without my consent, no legal action can be taken against me, except pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.

4. I understand that I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, to present evidence and testimony on my behalf, to compel the testimony of witnesses, and to cross-examine witnesses against me, and

5. I waive all such rights, including the right to a formal disciplinary hearing.

6. I also waive the right to challenge the Board for bias in the event that charges concerning these admitted facts or any other matter involving my license are brought before the Board.

7. In lieu of a formal disciplinary hearing, I voluntarily surrender my license on a temporary basis. Attached is my license number N#-33983; I agree to immediately discontinue the practice of nursing in Idaho.

8. I will enter treatment as required by the Board, and fully participate in the Program for Recovering Nurses (PRN) monitoring program. I will resume the practice of nursing only at such time as a conditional limited license has been issued to me. If I do not fully participate in and cooperate with the PRN, the Board may enter an order revoking or otherwise disciplining my license, including any conditional license that may have been issued, without further notice or hearing or other process given to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as "surrendered".

DATED 4-6-09

Signature of Licensee

Dated 4-6-09

Revised 1008 - PRN

Signature of Witness