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

LARRY DAVIS
PN-10349

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: LARRY DUANE DAVIS,
) ) License No. PN-10349,
) ) Respondent. ) Case No. BON-98-31
) ) FINDINGS OF FACT,
) ) CONCLUSIONS OF LAW
) ) AND FINAL ORDER

Having reviewed the Complaint and other documents 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. Larry Duane Davis (hereinafter "Respondent") is licensed by the Idaho State Board of Nursing under License No. PN-10349 to engage in the practice of nursing.

2. On November 22, 1999 a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on November 24, 1999, by means of the 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:

   Larry Duane Davis
   410 6th Avenue North
   Payette, Idaho 83661

4. The certified mail mailings were returned to the sending office with the notation "Unclaimed, Return to Sender," and the regular mailings were not returned.
5. The Board also attempted personal service of the complaint at the address identified in Paragraph 4 on November 26, 1999. Personal service could not be completed, and Respondent had not left a forwarding address.

6. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, he needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure by him 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 his license without the necessity of conducting a hearing.

7. On January 21, 2000, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

   Larry Duane Davis
   410 6th Avenue North
   Payette, Idaho 83661

8. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

9. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent, while a licensed professional nurse, did do the following:
   a. physically and psychologically abused residents of the Idaho State School and Hospital;
b. verbally intimidated and coerced residents of the Idaho State School and Hospital.

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 his 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)(d) and (1)(h), and IDAPA 23.01.01.100.05, thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code § 54-1413(1).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being show, it is hereby ordered that License No. PN-10349, issued to LARRY DUANE DAVIS, is hereby REVOKED, effective immediately.

DATED this 10 day of February, 2000.

IDAHO STATE BOARD OF NURSING

By Charles Moseley, C.R.N.A.
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 29th day of February, 2000, I caused to be served a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Final Order by placing a copy thereof in the United States Mail, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Larry Duane Davis
410 6th Avenue North
Payette, ID 83661

Kirsten L. Wallace
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010

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

In the matter of a license of:  
LARRY DUANE DAVIS, 
License No. PN-10349, 
Respondent.  

Case No. BON-98-31

NOTICE OF PROPOSED
DEFAULT ORDER

To: Larry Duane Davis  
410 6th Avenue North 
Payette, Idaho 83661

YOU ARE HEREBY NOTIFIED that, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, a default order will be issued against Respondent in this matter unless Respondent files a written petition within seven (7) days of the date of service of this notice requesting that a default order not be entered. The default order is proposed to be issued because Respondent failed to contest or otherwise respond to the Complaint on file, served on November 24, 1999. A copy of the proposed default order is attached hereto.

DATED this 25 day of January, 2000.

IDAHO STATE BOARD OF NURSING

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

NOTICE OF PROPOSED DEFAULT ORDER - 1
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2000, I caused to be served a true and correct copy of the foregoing Notice of Proposed Default Order and of the Complaint by placing copies thereof in the United States Mail, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Larry Duane Davis
410 6th Avenue North
Payette, Idaho 83661

[Signature]
Deputy Attorney General
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of the License of: LARRY DUANE DAVIS,
License No. PN-10349,
Respondent.

Case No. BON
COMPLAINT

To: Larry Duane Davis
410 6th Avenue North
Payette, Idaho 83661

STATEMENT OF CHARGES

1.

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

2.

Larry Duane Davis (hereinafter “Respondent”), is licensed by the Idaho State Board of Nursing under License No. PN-10349 to engage in the practice of practical nursing.

3.

At all times material herein, Respondent was employed by the Idaho State School and Hospital in Nampa, Idaho, or Sunrise Care and Rehabilitation for Payette in Payette, Idaho.

4.

On February 8, 1998, Mr. Curtis Hammond was a resident of the Idaho State School and Hospital in Nampa, Idaho. Mr. Hammond’s residence at the Idaho State School and Hospital was known as “Paradise Cove.” Mr. Hammond was and is a
profoundly retarded man who also suffers from attention deficit disorder. As a result of these disabilities, Mr. Hammond was and is non-verbal and requires twenty-four hour care and supervision.

5.

On February 8, 1998, Mr. Ladell Wrigley was a resident of the Idaho State School and Hospital in Nampa, Idaho. Mr. Wrigley’s residence at the Idaho State School and Hospital was known as “Paradise Cove.” Mr. Wrigley was and is a profoundly retarded man who also has a feeding tube inserted into his abdomen, which requires that he be restrained in a feeding chair during feeding. As a result of these disabilities, Mr. Wrigley was and is non-verbal and requires twenty-four hour care and supervision.

6.

On or about February 8, 1998, the Respondent was employed as Paradise Cove building nurse at the Idaho State School and Hospital. As building nurse, the Respondent was responsible for providing nursing care to Paradise Cove residents including Mr. Hammond and Mr. Hettinger.

7.

On or about February 8, 1998, the Respondent restrained Mr. Curtis Hammond in Mr. Wrigley’s feeding chair for approximately 1 hour. Respondent’s use of Mr. Wrigley’s feeding chair to restrain Mr. Hammond constituted physical and psychological abuse of Mr. Hammond and violated Idaho State School and Hospital policy and Idaho State Law.

8.

On or about March 12, 1999, Alice Carpenter was a resident of Sunrise Care and Rehabilitation for Payette in Payette, Idaho. Alice Carpenter suffered from atrial fibrillation and gastritis.
9.

On or about March 12, 1999, Respondent was employed as facility nurse at Attempted Sunrise Care and Rehabilitation for Payette. Respondent attempted to verbally intimidate and coerce resident Alice Carpenter into taking her medication. Specifically, Respondent told Alice Carpenter that “If you don’t take that pill now, you’ll be on your knees later and begging for it, and I won’t give it to you,” or words to that effect.

10.

Respondent’s conduct as set out above constitutes grounds for discipline as follows:

a. Gross negligence or recklessness in performing nursing functions, in violation of Idaho Code § 54-1413(1)(d) and IDAPA 23.01.01.100.05; and

b. Engaging in conduct of a character likely to endanger patients, in violation of Idaho Code § 54-1413(1)(h).

11.

Pursuant to Idaho Code § 54-1413 and IDAPA 23.01.01.131.03, the Board is authorized to enter an order of suspension or revocation of 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 Larry Duane Davis should be revoked, suspended, or other disciplinary
sanction imposed 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 22 day of November, 1999.

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:

David W. Lloyd  
Deputy Attorney General  
Civil Litigation Division  
P.O. Box 83720  
Boise, ID 83720-0010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11/23/99 day of November, 1999, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Duane L. Davis  
410 6th Avenue North  
Payette, Idaho 83661

[Signature]

DAVID W. LLOYD  
Deputy Attorney General
BEFORE THE IDAHO STATE BOARD OF NURSING

In the matter of a license of:  )
LARRY DUANE DAVIS,  )
License No. PN-10349  )
Respondent.  )
Case No. BON-98-31

DEFAULT ORDER

ORIGINAL

THIS MATTER having come before the Idaho State Board of Nursing (hereinafter the “Board”) on the Complaint of the Board’s Executive Director pursuant to Idaho Code § 54-1413(2) and IDAPA 23.01.01.131.03, and Respondent having failed to contest or otherwise respond to the Complaint; now, therefore,

IT IS HEREBY ORDERED that, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, Respondent is in default. The Board shall enter a final order pursuant to Idaho Code § 67-5246, IDAPA 04.11.01.702 and .740.

DATED this 10th day of February, 2000.

IDAHO STATE BOARD OF NURSING

By Charles Moseley, CRNA
Charles Moseley, C.R.N.A., Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15 day of February, 2000, I caused to be served a true and correct copy of the foregoing Proposed Default Order by placing a copy thereof in the United States Mail, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Larry Duane Davis
410 6th Avenue North
Payette, ID 83661

Kirsten L. Wallace
Deputy Attorney General