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

RUTH DONAHUE

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Ruth Donahue  
1714 Beach Street  
Boise, ID 83706

Dear Ms. Donahue:

During their meeting on January 27-28, 2011, 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to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-39750 was revoked.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 January 28, 2011. 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

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: 

RUTH DONAHUE, 
License No. N-39750, 
Respondent. 

Case No. BON 10-067

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 Final Order:

FINDINGS OF FACT

1. Ruth Donahue (“Respondent”) has been licensed by the Board, under License No. N-39750, to engage in the practice of nursing in the state of Idaho.

2. On or about August 17, 2010, Respondent’s employer reported to the Board that Respondent had likely diverted medications from a patient for her own personal use. The employer’s allegation was based upon information received from a patient’s family concerning missing medications. Respondent was questioned by her supervisor regarding Respondent’s alleged diversion of medication, and Respondent initially denied such allegations. Respondent’s supervisor then informed Respondent that she would be required to submit to a drug test at Occupational Health, and, thereafter, Respondent verbally admitted to taking ten (10) Norco within the past twenty-four (24) hours and also admitted to being on Tramadol. Respondent’s drug test was positive for morphine.

3. On August 24, 2010, Respondent reported to Board Staff that she had diverted medications from her place of employment on at least ten (10) occasions.

4. On August 30, 2010, Respondent voluntarily surrendered her license, admitting that she had “diverted narcotics at least ten times from patients for personal use without benefit of prescription.” 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 true and correct copy of Respondent’s Temporary Voluntary Surrender
of License is attached hereto as Exhibit A.

5. On October 21, 2010, the PRN notified the Board that Respondent had failed to meet the PRN deadline of October 1, 2010, to return her contract for monitoring. A true and correct copy of the October 21, 2010, letter from PRN to the Board is attached hereto as Exhibit B.

6. 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-39750 is conditioned upon her complying with the laws and rules of the Board.

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, in violation of Idaho Code § 54-1413(1)(g) and Board Rule 100.08;
   c. Respondent engaged in conduct of a character likely to deceive, defraud or endanger patients or the public, in violation of Idaho Code § 54-1413(1)(h) and Board Rule 100.09;
   d. Respondent practiced nursing while her ability to practice was impaired by alcohol or drugs or physical, mental or emotional disability, in violation of Board Rule 101.03.e;
e. Respondent obtained, possessed, furnished and/or administered prescription drugs to herself, in violation of Board Rule 101.04.c;

f. Respondent shall be responsible and accountable for her nursing judgments, actions and competence, in accordance with Rule 101.05.c; and.

g. Respondent diverted her patient’s materials, property, and/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-39750 issued to Ruth Donahue 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 recent, within 6 months, comprehensive drug/alcohol evaluation completed by a qualified Board approved evaluator 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 at least two (2) years of documented sobriety with 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.

This order is effective immediately.

DATED this 28th day of January, 2011.

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 31st day of January, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Ruth Donahue
1714 Beach Street
Boise, ID 83706

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ______________________
☐ Statehouse Mail

Andrew J. Snook
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
RULE 132
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

1. By affixing my signature hereto, I, __________, acknowledge that I am disabled due to alcohol or drug use or to emotional or mental impairment and admit that I have engaged in the following conduct: _______ diverted narcotics at least ten times from patients for personal use without benefit of a prescription.

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 _______; 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 06-30-10

Signature of Licensee

1714 Beach St

Address

Boise 83704

City, State, Zip

Samuel Edmunds

Signature of Witness

DATED 06-30-10

Revised 410 – PRN
October 21, 2010

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Ruth Donahue

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Ruth Donahue, a Board of Nursing referral, is currently not in compliance with the Program for Recovering Nurses (PRN). Ms. Donahue was sent a PRN contract with a deadline of 10/1/10 for having it signed and returned. Ms. Donahue did not meet that deadline and PRN has not received a signed contract from her to date.

Ms. Donahue wrote an email to PRN on 10/11/10 in which she stated she lacks the money to participate in PRN at this time.

Ms. Donahue currently owes PRN $0.

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 x 104.

Sincerely,

William J. (Bill) Hofstra
Compliance Monitor
Southworth Associates

Cc: Ruth Donahue

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.