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

JEFFERY DUGAN
N-26825

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:

JEFFREY CHARLES DUGAN,
License No. N-26825,
Respondent.

) Case No. 01-057

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 Jeffrey Charles Dugan (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 Jeffrey Charles Dugan is a licensee of the Idaho State Board of Nursing and holds License No. N-26825 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. On or about September 19, 2001, while employed at St. Luke’s Regional Medical Center in Boise, Idaho, Respondent administered c-scan through a central line on a 34-year-old female patient without performing an adequate patient assessment and without checking where the central line was going on the patient.

4. The facts as stated in paragraphs 1 through 3 above constitute violations of Idaho Code § 54-1413(1)(d) and IDAPA 23.01.01.100.05 and 23.01.01.370.07.

CONSENT ORDER - 1
5. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the imposition of discipline against his license as set forth in Section C below.

B.

1. Jeffrey Charles Dugan, 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 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-26825 issued to Respondent Jeffrey Charles Dugan is hereby suspended for a period of six (6) months. The six-month suspension shall be STAYED provided Respondent successfully completes the terms of this Stipulation and Consent Order.
2. Respondent shall be placed upon probation for six (6) months, such period to commence from the date of entry of the Board’s order. Conditions of probation shall include the following requirements:

   a. Respondent shall demonstrate that he is capable of working as a licensed professional nurse by enrolling in and submitting proof of successful completion of continuing education or intensive training in the protocols for the care and assessment of patients. The Board must preapprove any continuing education course or training. To obtain preapproval Respondent shall submit a course catalog or description of the course to the Board prior to enrolling in the course or seminar in order. Respondent shall complete the course prior to the termination of the six month probationary period;

   b. After Respondent has successfully completed the continuing education or training described in paragraph (b) above, Respondent shall prepare and present in person to the Board a research paper demonstrating that he understands the protocols for the care and identification of central lines and the care and assessment of patients. The research paper shall be between 5 and 15 pages, typewritten, on 8½ by 11-inch paper. The lines shall be double-spaced, with type no smaller than 12-point Times New Roman. Margins shall be no less than 1 inch. Any source material may be used in preparing the paper and must be cited in the paper.

   c. Respondent shall be supervised, and shall inform his immediate supervisor of this restriction immediately. Respondent shall provide the Board with the name, work address, and work phone number of the supervisor responsible for such supervision. Respondent shall instruct his immediate supervisor at his place of employment to submit a performance report on a form approved by the Board that evaluates any and all work that Respondent has done with respect to central lines and patient assessment during the six month period covered by this Stipulation. The report should also discuss Respondent’s general nursing competency in his care of patients. A copy of the approved form is attached hereto, and may be given to Respondent’s
supervisor. This requirement applies to all facilities Respondent may work in during the six-month period covered by this Stipulation.

d. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of Nursing in the State of Idaho.

e. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

3. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

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 next 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 complaint will be filed. 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.

CONSENT ORDER - 4
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 his 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, the 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. The Board shall have the right to make full disclosure of this Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information pursuant to any applicable limitations of the Idaho Public Records Act, title 9, chapter 6 Idaho Code.
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 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 _1_ day of MARCH _, 2002.

Jeffrey Charles Dugan
Respondent

Approved as to form, and I concur in this stipulation and order.

DATED this _6_ day of MARCH _, 2002.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Kirsten L. Wallace
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 1st day of April ____, 2002. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By Charles Moseley, CRNA
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of April ____, 2002, I caused to be served a true and correct copy of the foregoing STIPULATION AND CONSENT ORDER addressed as follows:

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

U.S. Mail, postage prepaid
Certified U.S. Mail, return receipt
Hand Delivery
Overnight Mail
Facsimile
Statehouse Mail

Jeffrey Charles Dugan
c/o Hitching Post Motel
Room 106
1717 Soquel Avenue
Santa Cruz, CA 95062

U.S. Mail, postage prepaid
Certified U.S. Mail, return receipt
Hand Delivery
Overnight Mail
Facsimile
Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
September 3, 2002

Jeffrey Dugan
C/o Hitching Post Motel Room 106
1717 Soquel Avenue
Santa Cruz, CA 95062

Dear Mr. Dugan:

Thank you for appearing before the Board of Nursing at their August meeting to present your paper, "Physical Assessments and Central Lines".

As indicated in your Stipulation and Consent Order, the six-month suspension (stayed) shall expire on October 1, 2002 (Item D-i indicates that the Order becomes effective when it has been approved by a majority of the Board and endorsed by a representative member of the Board). You will receive an Order of Reinstatement upon expiration of the Suspension Order.

The Board urges you to exercise caution and judgment in the future to avoid the appearance of acts that might be interpreted as violations of the Nursing Practice Act or Board Rules. It is your personal responsibility to be knowledgeable of the statutes, rules and policies and procedures governing nursing practice and to practice within those parameters.

We wish you success with your nursing career.

Sincerely,

VICKY GOETTSCH, MBA, RN
Associate Director

VG:llc

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.
In the matter of

Jeffrey Dugan

N-26825

FINDINGS AND
ORDER OF
REINSTATMENT

The Executive Director of the Board of Nursing having reviewed information submitted in support of the licensee, has determined that Jeffrey Dugan has complied with the requirements of reinstatement instituted by the members of the Board of Nursing. Information and reports submitted have provided evidence of competency to practice nursing.

ORDER

It is hereby ordered, that the professional nurse license of Jeffrey Dugan be reinstated without further restriction.

Dated this 1st day of October, 2002.

SANDRA EVANS, MAEd, RN
Executive Director