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

MARIAN DURTSCHI
NP-37
Dear Ms. Durtschi:

Upon formal action by the Idaho Board of Nursing on October 28, 1985, your nurse practitioner approval NP-37, was revoked. Enclosed is the Order Revoking Nurse Practitioner Approval.

You may not practice as a nurse practitioner in the State of Idaho during the time your approval is revoked.

Sincerely,

Phyllis T. Sheridan
PHYLLIS T. SHERIDAN, R.N.
Executive Director
In the Matter of}

Marian Edna Holleson
DURTSCHI

ORDER
REVOKING
NURSE PRACTITIONER APPROVAL

LICENSE NO. N-2827/NP-37

The Petition for Revocation of Nurse Practitioner Approval in the above entitled matter being submitted to the Board of Nursing, State of Idaho, and the matter therein being fully considered by the Board of Nursing, and there appearing good cause therefore:

IT IS HEREBY ORDERED, that the nurse practitioner approval of Marian Edna Holleson Durschi, number NP-37, be and it hereby is revoked, subject to Subsequent Review under 24-1412 (c), IDAHO CODE, by reason of voluntary surrender.

DATED this 28th day of October, 1985.

Alyce Sato
P.R.N.
Chairman
Idaho Board of Nursing
Marian Durtschi  
R.R. 1, Box 59  
Driggs, Idaho 83422

Dear Ms. Durtschi:

Enclosed please find the Petition for Revocation of Nurse Practitioner Approval instituted by the Board of Nursing and an Answer to Petition.

Sincerely,

Phyllis T. Sheridan  
PHILLIS T. SHERIDAN, R.N.  
Executive Director

PTS: lhc  
encl.
BEFORE THE BOARD OF NURSING, STATE OF IDAHO

In the Matter of
Marian Edna Heileson Durtschi
License No. N-2027/NP-37

PETITION
FOR REVOCATION OF
NURSE PRACTITIONER APPROVAL

COMES NOW, Petitioner, Phyllis T. Sheridan, R.N., Executive Director of the Idaho Board of Nursing, and petitions this Board to revoke the nurse practitioner approval of Marian Edna Heileson Durtschi to practice as a nurse practitioner in the State of Idaho. This Petition and these proceedings are instituted upon the following grounds:

That the licensee/nurse practitioner has repeatedly exceeded authority and failed to adhere to scope of practice as designated by Nurse Practitioner Rules and Regulations; violated Rules and Regulations relating to prescribing drugs and engaged in conduct of a character likely to endanger the public by virtue of the following:

That the licensee/nurse practitioner was notified in writing in July, 1978, following an investigation that she was to perform only emergency deliveries and that the supervising physician's planned vacations did not constitute an emergency situation, and

That the licensee/nurse practitioner does not possess certified nurse midwife qualifications, and

That on or about February, 1985, the licensee/nurse practitioner did perform a breech delivery on a patient who subsequently had a hysterectomy due to complications, and

That the licensee/nurse practitioner routinely, regularly, and on a planned basis performs deliveries in the absence of the supervising physician, and

That the licensee/nurse practitioner's prescription writing privileges were revoked for six months, from August 1983 to February 1984, for prescribing Controlled Substance medication, and

That on or about June, 1985, the licensee/nurse practitioner did prescribe Controlled Substance medication on more than one occasion by using prescription blanks presigned by the supervising physician.

The undersigned, Phyllis T. Sheridan, believes that the described conduct of the licensee is in violation of Section 54-1412 (a), (7), and (8), IDAHO CODE and Board of Nursing Rules and Regulations, Title 03., Chapter D., Section 7., a(iv), Section 8., d., and Section 21., b(iii and vi).


Phyllis T. Sheridan, RN.
PHYLIS T. SHERIDAN, R.N.
Executive Director
Idaho Board of Nursing
Dear Ms. Durtschi:

Upon formal action by the Idaho Board of Nursing, your Nurse Practitioner Approval was summarily suspended. Enclosed is an Order of Summary Suspension of Nurse Practitioner Approval.

You may not practice as a nurse practitioner in the State of Idaho during the time your approval is suspended. Please submit your current approval certificate to this office by return mail.

Sincerely,

PHYLLIS T. SHERIDAN, R.N.
Executive Director

PTS:1hc
encl.
BEFORE THE BOARD OF NURSING, STATE OF IDAHO

In the Matter of

Marian Edna Heileson
DURTSCHI

License No. N-2827/NP-37

ORDER OF SUMMARY SUSPENSION
OF
NURSE PRACTITIONER APPROVAL

Upon the request for summary suspension and based upon the supporting documents, the Board finds:

(a) That the licensee/nurse practitioner has engaged in practice as a nurse practitioner beyond the authorized scope of practice;

(b) That the licensee/nurse practitioner has been previously warned thereof and requested to cease the unauthorized practices;

(c) That the licensee/nurse practitioner has persisted to engage in unauthorized prescription of controlled substances and the unauthorized, unsupervised delivery of babies; and

(d) That the aforesaid conduct violates the Nursing Practice Act and the Rules and Regulations of the Board of Nursing and poses a direct and immediate danger to the health and safety of patients and the public; and

(e) That the public health, safety and welfare requires immediate action by this Board to prevent further and continuing unauthorized practice by the licensee/nurse practitioner.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the nurse practitioner approval of the licensee is hereby suspended effective immediately upon execution of this Order. This Order shall be served upon the licensee by telephonic notification and by certified mailing of a copy of this Order.

DATED and executed this 23rd day of July, 1985.

Alyce Sato, R.N.
Chairman
Idaho Board of Nursing
BEFORE THE BOARD OF NURSING, STATE OF IDAHO

In the Matter of

Marian Edna Heileson DURTSCHI

LICENSE NO. N-2827/NP-37

ORDER
REVKING
NURSE PRACTITIONER APPROVAL

The Petition for Revocation of Nurse Practitioner Approval in the above entitled matter being submitted to the Board of Nursing, State of Idaho, and the matter therein being fully considered by the Board of Nursing, and there appearing good cause therefore:

IT IS HEREBY ORDERED, that the nurse practitioner approval of Marian Edna Heileson Durtachi, number NP-37, be and it hereby is revoked, subject to Subsequent Review under 54-1412 (c), IDAHO CODE, by reason of voluntary surrender.

DATED this 28th day of October, 1985.

alyce sato, r.n.
Chairman
Idaho Board of Nursing
In the Matter of  
Marian Edna Heileson  
DURTSCHI  
License No. N-2827/NP-37  

PHYLLIS T. SHERIDAN, R.N., Executive Director, hereby requests this Board for an Order suspending the nurse practitioner approval of Marian Edna Heileson Durtschi for the reason that the health, safety and welfare of the public requires emergency action. This request is made based upon facts discovered during investigation to date as follows:

(a) That the licensee has engaged in practice as a nurse practitioner beyond the authorized scope of practice:

(1) Practice policies received on April 12, 1978, stated that the licensee/nurse practitioner would perform: uncomplicated deliveries as determined by the physician, circumcisions, episiotomies, and institute allergy testing and desensitization procedures. (See EXHIBIT A)

(2) A letter from the supervising physician, Kitchener E. Head, M.D., received on April 12, 1978, stated that the licensee/nurse practitioner had been delivering babies for at least 17 years, mostly as a necessity "but lately as a deliberate contribution to our practice"; was performing and repairing episiotomies, including 4th degree lacerations; had been doing circumcisions for at least 5 years and had been doing allergy testing for 17 years. (See EXHIBIT B)

(3) A site visit by Board of Nursing personnel on July 20, 1978 confirmed that four deliveries had been performed from May 28, 1978 to June 12, 1978, and one circumcision had been done on June 16, 1978. (See EXHIBIT C)
(4) On or about April 3, 1983, the licensee/nurse practitioner prescribed Ritodrine, a drug not included in the categories of drugs nurse practitioners are authorized to prescribe. (See EXHIBIT D)

(5) On or about June 22-23, 1983, at least five prescriptions were written by the licensee/nurse practitioner for controlled substance medication, Paragoric, Dalmane, Phenergan with Codeine Expectorant. (See EXHIBIT E)

(6) On or about June 20, 1985, prescriptions were written by the licensee/nurse practitioner on pre-signed forms for controlled substance medication, Equagesic and Empirin #3; and additional pre-signed forms were available. (See EXHIBITS F and G)

(7) On or about February 21, 1985, a breech delivery was performed by the licensee/nurse practitioner. (See EXHIBIT H)

(b) That the licensee has been repeatedly warned thereof and notified to cease the unauthorized practices: by letter, in a personal meeting with the Board of Nursing, and in a personal meeting with the joint Boards of Medicine and Nursing at which the supervising physician was also present. (See EXHIBIT I, J, K, and L)

(c) That the licensee/nurse practitioner has failed to comply with requirements for practice as specified in Rules.

(1) Nurse practitioner certification expired July 17, 1977 for failure to submit required documents. (See EXHIBIT M)
(2) Nurse practitioner approval expired on August 31, 1979 as recertification materials were not submitted. (See EXHIBIT N)

(3) Authorization to provide anesthesia services expired May 21, 1979 for failure to submit requirements for waiver (See EXHIBITS O, P, and Q)

(4) Rule - Title 03., Chapter D., Section 7., a., iv. specifies that, "A nurse practitioner who is also a certified nurse midwife may perform uncomplicated deliveries." No documentation or certification as a nurse midwife has been submitted.

The undersigned, Phyllis T. Sheridan, believes that the aforedescribed conduct violates the Nursing Practice Act and the Rules and Regulations of the Board of Nursing and poses a direct and immediate danger to the health and safety of patients and the public and requires immediate action by this Board to prevent further and continuing unauthorized practice by the licensee, and

That the aforedescribed conduct exceeds the scope of practice permitted by the nurse practitioner approval, involves unauthorized prescription of controlled substances, and unauthorized and unsupervised delivery of babies, all of which pose a danger to patients and the public and immediate action is required to prevent further similar conduct pending formal proceeding herein.

DATED this 18th day of July, 1985.

Phyllis T. Sheridan
Executive Director
Idaho Board of Nursing
Phyllis T. Sheridan, R.N., Executive Director
Idaho State Board of Nursing
700 West State Street
Boise, Idaho 83720

RE: Summary Suspension of Nurse Practitioner License,
Marian H. Durtschi
License-No. N-2827/NP-37

Dear Ms. Sheridan:

I am writing to formally surrender my licensure certificate to practice as a nurse practitioner in the State of Idaho and to voluntarily waive my right to a pre-hearing conference or a formal hearing in the matter. I am not able to enclose my licensure certificate inasmuch as I threw it away shortly after learning of my summary suspension.

I am not taking this action as a result of feeling any compulsion, coercion or other pressure brought about by or through the Board of Nursing, directly or indirectly, either through its Order of Summary Suspension or any investigation made prior thereto or resulting therefrom. Without admitting any of the allegations contained in your Petition, there have probably been occasions where I and the supervising physician have felt that my competence, coupled with the particular circumstances, required or justified strict noncompliance with a particular rule or regulation governing nurse practitioners in order to meet the medical needs of a very isolated rural community. For this reason I have decided not to contest the allegations, and understand that by so doing the Board of Nursing may enter an Order disposing of this matter, to include possible suspension or revocation of my license to practice as a nurse practitioner in the State of Idaho.

Very truly yours,

MARIAN H. DURTSCHI
In the Matter of Suspension or Revocation of the License to Practice Nursing of

MARIAN DURTSCHI

Respondent

Enter your answer below, sign, date and return this form within twenty (20) days after you receive it, to:

IDAHO STATE BOARD OF NURSING
700 West State Street
Boise, Idaho 83720

Failure to return this form within twenty (20) days of receipt will constitute a waiver of hearing and will result in the Board of Nursing making a finding that you do not contest the allegations in the Petition. Upon such a finding the Board will enter an Order, to include possible suspension or revocation of your license to practice nursing in the State of Idaho.

Instructions: Indicate your desired responses and mail this form to the address stated above.

1. [ ] I do request a hearing on this matter.
   [ ] I do not request a hearing on this matter.

2. [ ] I will be represented by an attorney.
   [ ] I will not be represented by an attorney.

   The name and address of my attorney are:

3. I ADMIT the following allegations in the Petition: (State "all", if you admit all allegations.)

   [ ] I admit all allegations

4. I DO NOT CONTEST the following allegations in the Petition. (State "all", if you do not contest any of the allegations.)

   [ ] I contest all allegations
5. I DENY the following allegations of the Petition. (State "all", if you deny all of the allegations.)

[Signature: "all allegations are denied"]

6. ___ I have attached a statement in my defense of the allegations.
   ___ I have not attached a statement in my defense of the allegations.

7. ___ I wish to waive my right to a hearing and voluntarily surrender my license.
   ___ My license certificate is enclosed.

You have the right to:

1. an opportunity for a hearing.
2. be represented by an attorney at your own expense.
3. subpoena witnesses, or the production of documents through the Board of Nursing.

DATED this 5th day of August, 1985.

[Signature: "Marian Austerchi"]

Signature of Respondent
February 17, 1984

Marian Durtschi
RR #1, Box 59
Driggs, Idaho 83422

Dear Ms. Durtschi:

During their February 13, 1984 meeting, the Board of Nursing members reviewed your application for prescription writing privileges. The Board also considered a report of the application review by a representative of the Board of Medicine and a report from the Board of Pharmacy, confirming that you have not written prescriptions during the period of revocation of prescription writing privileges.

Following their review, the Board took action to reinstate your prescription writing privileges. Therefore, you may prescribe for the categories of drugs enumerated in Rule Title 03, Chapter D., Section 8.e. (see enclosure) The Boards of Medicine and Pharmacy have been notified of this action.

If you have any questions concerning this information, please do not hesitate to contact me.

Sincerely,

LEOLA DANIELS, R.N.,
Associate Executive Director

cc: Kitchener E. Head, M.D., Driggs, Idaho
Dear Ms. Durtschi:

Following the joint meeting of the Boards of Medicine and Nursing with you and Dr. Head, the Board of Nursing members carefully reviewed the information they had received substantiating your attempting to prescribe one unauthorized potentially harmful medication and your writing of five prescriptions for controlled substances during the time period from April 3, 1983 to June 23, 1983. They determined that your actions are in violation of Title 03., Chapter D., Section 8., c., and Section 21., b. (i), (ii), (iii), and (iv) of the Board of Nursing's Rules and Regulations.

Based on violation of the Rules and Regulations for Nurse Practitioners, the Board members took action to revoke your prescribing privileges for a period of six months, effective from August 5, 1983. Prior to reinstatement of your prescribing privileges, it will be necessary for you to make reapplication as specified in Title 03., Chapter D., Section 8., Prescription Writing. (The application forms are enclosed.)

You may not prescribe any medications during the revocation period. The Board of Pharmacy has been requested to monitor compliance of the prescription writing revocation order.

If there are any further violations of the Board of Nursing's Rules and Regulations during the time period from August 5, 1983 to February 5, 1984, further disciplinary action will be immediately initiated.

Pursuant to Section 54-1412, IDAHO CODE, you may secure a hearing before the Board of Nursing by depositing a certified letter in the mail within thirty (30) days of receipt of this letter.

Sincerely,

[Signature]

PHILLIS T. SHERIDAN, R.N.
Executive Director

PTS: lhc
encl. 700 West State Street, Boise, Idaho 83720 (208) 334-3110
Marian E. Durtschi, P.O.B.
R.R. #59
Driggs, Idaho 83422

I have received the article described above.

[Signature]

DATE OF DELIVERY: 9-4-83

UNABLE TO DELIVER BECAUSE: [Signature]
The following are the policy and protocol for Marian Durtschi, Registered Nurse Practitioner.

Administrative Committee

The administrative committee will include:

Gary M. Grandy, Hospital Administrator
Kitchener R. Beal, Chief of Staff and Associate Physician
Marian Durtschi, Registered Nurse Practitioner

Standards of Performance

In as much as the Teton Valley Hospital and the local medical office serve an isolated and widely scattered rural population, the nurse practitioner falls an extremely important role as an interdependent member of the medical team in this area. Also, in view of the fact that the single medical doctor in this area has continued need to be absent on occasion for purposes of continued education and rest and recreation, the role of the nurse practitioner is of vital importance to the medical needs of the community.

The registered nurse practitioner will function within the expanded policies and protocol established by the administrative committee.

The nurse practitioner will be required to exercise sound professional judgment while providing primary health care services. The practice may embrace preventive, corrective, and promotive care to individuals and include early stages of illness to long-term disease and the supervision of the well.

Patient assessment, diagnosis, and therapeutic measures will be carried out in close association and collaboration with the associate physician, covering physicians, and appropriate specialists and health care agencies in nearby communities. Appropriate information may be given to the patient and family concerning the diagnosis and plans for therapy as part of this close collaboration.

The nurse practitioner may exercise the following options after having assessed the patient's status:

A. Institute appropriate therapy consistent with agreed upon protocols and level of knowledge without further consultation with the physician.

B. Consult with the covering physician in the practice setting or by telephone before instituting or prescribing therapeutic measures in unusual or pertinent instances as prescribed by protocol or by the nurse practitioner's judgment.

C. Have the patient rescheduled to see the physician at another time for more intensive assessment.
Specific Practice Areas

In accordance with established guidelines set by the physician(s), and/or appropriate therapy or procedures, the functions of primary and/or consultant

1. Perform a physical examination and record a personal history.
2. Initiate laboratory tests, x-rays, electrocardiograms, etc., as needed, such tests and initiate therapy.
3. In the area of gynecology and obstetrics:
   a. Pelvic examinations and Papanicolaou tests, and treat such conditions and initiate therapy.
   b. Routine prenatal and postnatal care and uncomplicated deliveries, as determined by the physician.
4. Advice, consultation, and application for family planning.
5. Well child care.
6. Patient, family, and community teaching.
7. Follow-up of patients that may include those that have been referred to other health facilities or other agencies.
8. Minor procedures including lacerations, debridements, assistance, but excluding those lacerations involving nerves and major vessels.
10. Assist physician with surgical procedures.
11. Application immunizations.
12. Application and removal of casts, as per standard procedures.
13. Determination and administration of appropriate medication, including fluid therapy, as per standard procedures.
15. The registered nurse practitioner may not write prescriptions for controlled substances as listed by the Act of 1970, Section 1 through 7.
16. May institute allergy testing and desensitization protocol.
**Continuing Education**

The nurse practitioner will make full use of the University of British Columbia resources available, including formal courses and workshops in the quiet setting of the UBC student center. Formal courses a year as provided by medical schools.

There will be continuation of the daily conferences with her associate physician.

**Evaluation**

There will be at least weekly (often daily) evaluation of the nurse practitioner through record review and direct observation by the associate physician. This occurs spontaneously or at least once each week beginning at 7:00 A.M.

**Prescription Writing**

The nurse practitioner may write prescriptions for all medications except those proscribed on Schedule I through V by the Controlled Substances Act.

**Review of Policies**

Protocol and policies review will be conducted at least once annually.

Mary W. Hody
Gary R. Great Hospital Administrator

[Signature]

Katherine M. Head, Chief of Staff
Associate Physician
April 7, 1978

Leola Daniels, R.N.
Executive Director
413 West Idaho Street
Boise, Idaho

Dear Ms. Daniels:

I would like to write a cover letter to accompany the papers regarding the updating of policies concerning Marian Durtschi, R.N.P.

Mrs. Durtschi is functioning very well here as an important part of the medical team. Our area is fairly well isolated and she and I furnish, with the hospital staff, the medical care for the valley and contiguous area. She has expanded her areas of competency steadily, mostly as dictated by her experience and the community need.

We carry on a real program of didactic education in this setting, that is to say, a program of systematic instruction. This has included many things in all phases of medicine, especially in obstetrics. Obstetrics is a particularly relevant feature for our practice. There are times when I am gone from the valley or just gone from the office and still in town. Deliveries are apt to occur at any moment. It is of vital importance to have at least one trained ancillary person. Marian Durtschi fills this role. She has been delivering babies in this setting for at least 17 years. For most of this time only as a necessity but lately as a deliberate contribution to our practice. In my absence, an obstetrician always covers for me. In the past two years, Mrs. Durtschi has delivered as many babies as I have myself. She is very competent with all uncomplicated deliveries and is learning great competence with the minor complications. She is adept in using forceps for low control. She is also adept in performing and repairing episiotomies, even including 4th degree lacerations. She is quick to recognize her limitations and call for consultation or referral in obstetrics as well as all other areas.

Mrs. Durtschi has been doing circumcisions for at least five years. She has been doing the allergy testing for 17 years.

Mrs. Durtschi, as you can see, does contribute a great and vital part to this area.

In my absence or even when I am present, she is covered by the following doctors:

- Rex Habey, Rexburg, Idaho
- Lester Peterson, Rexburg, Idaho
- Lloyd Barrott, St. Anthony, Idaho
- Steven L. Fielding (Obstetrics), Rexburg, Idaho
- Dauchy Migel (General Surgery), Idaho Falls, Idaho
- William Patton (Thoracic Surgery), Idaho Falls, Idaho
Thank you for your attention and consideration.

Cordially yours,

Kitchener E. Head, M. D.
July 20, 1978

Visit to Driggs to verify practice changes to comply with rules and regulations.

Ilia Hilliard, Board member and Leola Daniels, Board staff met with Gary Grandy, Administrator and explained purpose of visit is to ascertain conformance of practice to rules and regulations.

We inquired about the assessability of services to this community - Driggs is approximately 35 miles from Jackson, Wyoming - across the Teton pass and 45 miles from Rexburg and St. Anthony - over up and down, not excessively winding roads. This is an agricultural community mainly. 2/3 of the people have health insurance. There is some increase of health care needs during the summer because of tourists and winter due to skiing - adjacent to Grand Targhee ski area. Dr. Head is the only physician. The roads are occasionally closed in the winter due to snow and blowing. The hospital is 13 beds - constructed 1960's - in good repair.

Statistics provided by Mr. Grandy.

Surgical cases from January - December, 1977 - total 80.
January - June 30, 1978 - total 31. Major number are T & A's:
T & A, appendectomy, breast biopsy, D & C, gallbladder, tubal ligation, hernia repair, hysterectomy, cyst on foot, vasectomy, rectal abscess, set fractures, C section, hemorrhoidectomy. A physician from Idaho Falls or Rexburg assisted Dr. Head on those cases requiring an assistant.

Mr. Grandy stated that in the 6 years that he had been administrator and according to reports he has received in years previous to this there have been no incidents of any problems caused by anesthesia administered by Marian. She makes arrangements for updates - about a year ago spent 3-4 days in Salt Lake City (verified by Marian). Surgeries are scheduled ahead except for emergencies. Feels comfortable with Marian's skills. Stated CRNA from Jackson left much to be desired - excessive meds, etc - increased costs - (Dr. Head verified that he had found this service unacceptable.)

Surgical cases for April, May, June - charts reviewed:
4/3 - hernia repair 5/4 hysterectomy 6/15 T & A
5/3 Cholecystectomy 5/5 T & A 7/19 C section

Anesthesia used - phentothal, fluothane, O2

Mr. Grandy stated Dr. Head is doing most all of the deliveries - He estimated 90% and more. He stated there have been no difficulties with deliveries. Statistics provided: 1979 - 69 total, January-June 1978 - 57 total. Charts were reviewed for April, May, June.

5/28/78 - 12:38 P.M. 6/1/78 - adm 1:28 A.M. del 2:56 A.M.
6/7/78 - adm 4 A.M. del 9:27 A.M. 6/12/78 - adm 6:28 A.M. del 2:10 P.M. 6/15/78 - a circumcision was performed by Marian. Verified that Dr. Head was away for two weeks during this time. All charts were signed by Dr. Head.
Mr. Grandy stated from personal experience he knows Marian is very meticulous in suturing and probably does a better job than Dr. Head.

Illa and I discussed upcoming regulations regarding nurse anesthetists and need for Marian to be certified to continue this practice. We noted that the Board would consider his letter at their Board meeting.

Meeting held with Dr. Head and Marian:

Discussed delay in materials and concerns regarding practice areas by the Board of Medicine and need to conform to rules and regulations. Dr. Head stated he was at fault for the delays in getting Marian's materials in and they have attempted to conform to requirements. He stated he is doing the deliveries and circumcisions. When asked directly if they were fully in compliance with the practice policy changes and Board's letter regarding practice, Dr. Head stated "not 100%" but indicated they were attempting to comply. They see approximately 60 patients a day - in summer have many walk-ins (youth camp in area has added to this). Anesthesia care and need for certification was discussed - they indicated they would actively pursue this. Dr. Head voiced concern if Marian could not administer anesthesia and need arose in an emergency - she would not be competent - what would happen if problem arose? Also discussed need for Dr. Head to be actively involved in the medical society and to support need for nurse practitioners.

Marian seemed very tense and nervous - non-assertive and dependence on the doctor to make decisions indicated during discussion.

Leola Daniels, R.N.
Associate Executive Director
Dear Ms. Durtschi:

Information has come to the attention of the Board of Nursing concerning your prescribing Ritodrine on April 3, 1983, for a patient complaining of uterine contractions and who was not examined at the time. We understand that the patient was subsequently determined to be in active labor and approximately six hours later delivered a normal, gestational term infant.

We would appreciate your explanation of this incident at your earliest convenience. (I was not aware of the incident at the time I visited Driggs, and therefore, regret that I was not able to personally discuss the matter with you.)

Thank you for your assistance.

Sincerely,

[Signature]

Marian Durtschi
R.R. #59
Driggs, Idaho 83422

June 2, 1983

CERTIFIED MAIL
Dear Ms. Durtschi:

To date we have not heard from you in response to our letter of June 2nd, that was sent to you by Certified Mail.

The matter concerning which we wrote has been discussed with personnel at the Board of Medicine. It will be considered further by representatives from the Board of Nursing and the Board of Medicine's Discipline Board on August 5, 1983.

A personal interview has been arranged for you at the following time and place:

Friday, August 5, 1983 at 2:00 P.M.
Emerald Room, Red Lion Riverside
29th and Chinden Boulevard
Boise, Idaho
Paragoric 3 cc 245333
1 tsp 4 pp m
K. E. Head

Paragoric 3 cc 23120
1 tsp daily pm
K. E. Head

Pharmacy Prescription
Refill

PRESCRIPTION

Phenevirin 2.5 ml cap exp 6/10

PRE: 1 tsp 3 x 4th

M.D. Kitchener E. Head M.D.

DEA NO. AM 149592

Dispenser as written

By M. Dastillo
Kitchener E. Head, M.D.
Marian H. Durtschi, R.N.P.
Teton Valley Clinic
Driggs, ID 83422
Phone 354-2322 Residence 354-2953

Name: Bert Nelson
Address: 
Date: 6/20/85

Empirin #3
# 20
Take 1 q 4hr

M.D. Dispensed as Written
04/01/80

[Signature]

Product Selection Allowed

DeA # AH610255
CORNER DRUG
PRESCRIPTIONS

10 S. Main

NAME: Patricia Smith
ADDRESS: 10 S. Main

DATE: 6-20-85

Rx

Medication Exp. 2 Col.

5:30: 2 x 3 g 4 x 300 mg 305

REPL. ______ TIMES
REG. REP. ()

Reg. No. ________ DR. Head

ADDRESS: ________________

CORNER DRUG
PRESCRIPTIONS

10 S. Main

NAME: Maudine Henderson
ADDRESS: ________________

DATE: 6-18-85

Rx

Ativita 1 mg

#24 825

REPL. ______ TIMES
REG. REP. ()

Reg. No. ________ DR. Head

ADDRESS: ________________
Kitchener E. Head, M.D.
Marian H. Durtschi, R.N.P.
Teton Valley Clinic
Driggs, ID 83422
Phone 334-2302 Residence 334-2953

NAME

ADDRESS

DATE

B

Taken from Marian Durtschi
6-20-85
Bn.

Label
Refill 1 2 3 4 PRN NR

Dispense as Written

Product Selection Allowed

04901600185-1

Kitchener E. Head, M.D.
Marian H. Durtschi, R.N.P.
Teton Valley Clinic
Driggs, ID 83422
Phone 334-2302 Residence 334-2953

NAME

ADDRESS

DATE

B

Taken from Marian Durtschi
6-20-85
Bn.

Label
Refill 1 2 3 4 PRN NR

Dispense as Written

Product Selection Allowed

04901600185-1
Kitchener E. Head, M.D.
Marian H. Durtschi, R.N.P.
Teton Valley Clinic
Driggs, ID 83422
Phone 354-2302 Residency 354-2953

Take from 6-20-85

□ Label
Refill 1 2 3 4 PRN NR
M.D. Disperse as Written

Product Selection Allowed

0490160018

NAME
ADDRESS

□ Refill
Refill 1 2 3 4 PRN NR
M.D. Disperse as Written

0490160018-1
June 19, 1985
11:00 AM
Vehicle Mileage 55,370

The writer of this report left Star, Idaho enroute to Idaho Falls for the purpose of investigating a complaint that R.N.P. Marian Dirtschi was practicing medicine without a supervising M.D. present. Arrived in Boise at 8:00 pm. Mileage on vehicle 55,742.

Checked in at Teton West Motor Inn, Room 101. $29.68 for room paid.

8:00 AM - 6-20-85 went to 283 N.W. and asked if Dr. Head would be in soon and was advised by a nurse that Dr. Head was out of town but Marian Dirtschi would be seeing Dr. Head's patients and she would be in at 9:00 AM. I returned to the office of Dr.
Head shortly before 8:30 pm
and was given a card to
fill out. I filled out the
Card using The Name Bert
Nelson, Cascade, Idaho.

At about 8:45 AM Marian
Durtachi saw me and asked
what my problem was. I
told her I'd had my collar bone
and some ribs broken about
3 weeks ago and the ribs were
still hurting me.

Marian Durtachi took my
blood pressure and advised me
that it was just a little
high which was probably due
to the pain in my ribs.

RF Durtachi then wrote out
an RX to Bert Nelson
Calling for Empirin #3 #20
Pills. This RX was signed
KE Read which appeared to
have been pre-signed.

I was given a receipt for Bert
Nelson in the amount of 18
at 9:05 AM. It should be noted that RN P. Kretsch.
examined me then wrote out the RX without leaving the room and did not call anyone before handing me the RX. Calling for EMG #3 and
1:00 PM went to Reddix Pharmacy in Driggs and was given these RXs:
RX # 262 569 dated 6-18-85 and RX # 262 559 dated 6-20-85 both were phoned in RXs.
Also RX # 262 569 signed KE 7/8/85, dated 6-20-85.
I then went to Francis Dalley and requested that he go with me to his home for the purpose of obtaining a statement from his wife. Fred Dalley reference a delivery of Jinda Dalley's baby on 6-21-85. The statement will be a part of this report.
2:30 PM 6-20-85 I went to the Tetons Valley Clinic and
advised Maricon Durtochi of my true identity and of her rights and asked that she give me a statement. The statement will be a part of this report.

Maricon Durtochi was very cooperative.

Asked RN P Durtochi to give me the presigned RXs and she gave me mine which she stated was all she had left.

Maricon Durtochi stated she delivered Linda Dealey's baby on Feb 21, 1985 and that she found that it was a breech birth. She tried to get another Dr. but they were all busy. She also stated they had the presigned RXs and she could write RXs for controlled substances when the Dr. was gone, but she also called Dr. Fleck and got his OK when the Dr. was out of town.
6:00 PM 6-20-85 enroute home. Arrived at 1:30 AM
6-21-85 Mileage - 56147

Bernd Wilson
Sinda Dallay made the following statement. Marion Dutcher delivered my breech baby to the best ability she could do. I was not unhappy with her work. She handled my surgery good and got proper care to me. The baby was born Feb 57, 1985. My surgery was March 5, 1985 for my hysterectomy. The surgery was done by Dr. Flick Johnson. He was impressed by his performance.

S. D.

6-20-85 Bert Wilson, Witness
May 12, 1978

Marian Durtschi, R.N.,
Driggs, Idaho 83422

Dear Marian:

Board members appreciated the opportunity to meet with you on April 20, and to obtain clarification of your practice policies.

Following discussion, the following modifications were made in your practice policies:

1. Page 2, #3b, to read:
   "Routine pre- and post-natal care; emergency deliveries."

2. Page 2, #8:
   "Minor procedures including lacerations, but excluding those lacerations involving nerves, tendons, or major vessels."

3. Page 2, #16:
   "Utilizing standard preparations and procedures, may institute allergy testing and desensitization."

As stated to you during the meeting, "the performance of uncomplicated deliveries as determined by the physician," could only be approved if you were a certified nurse midwife. Enclosed is a brochure from the American College of Nurse Midwives. Write to them at 1000 Vermont Avenue, Washington, D.C. 20005, for further information.

Assisting the physician with surgical procedures by administering the anesthesia may be done only if you are a certified nurse anesthetist. Please note the enclosed Board memorandum dated December 27, 1974, and January 31, 1975. According to information received from the American Association of Nurse Anesthetists, an individual must be a graduate of an approved nurse anesthetist program and write the examination to be considered for certification as a nurse anesthetist. You may wish to write to Patricia Fleming, Chairman, Council of Certification, American Association of Nurse Anesthetists, 111 East Wacker Drive, Suite 929, Chicago, Illinois 60601, for further information.

413 WEST IDAHO STREET, ROOM 203 BOISE, IDAHO 83702 (208) 384-311
You must identify the medications or classification of medications for which prescriptions are written, under Prescription Writing on page 3 of your practice policies.

When this information is received, we will continue the processing of your material for recertification.

Please do not hesitate to contact me if you have questions regarding the above information.

Sincerely,

LEOLA DANIELS, R.N.
Associate Executive Director

LD:vmh
Enc.
July 31, 1978

Marian Durtschi, R.N.
R. R. 59
Driggs, Idaho 83422

Dear Mrs. Durtschi:

During their July 25, 1978, Board meeting, Board members reviewed your re-certification materials, which are being sent to the Board of Medicine for their review.

The Board members also directed that you be reminded of your professional and legal responsibility to:

1. Be continuously licensed as a professional nurse and certified to practice as a nurse practitioner. Should you allow your professional nurse license or nurse practitioner certification to lapse in the future, but continue to practice as a nurse practitioner or registered nurse, the Board will proceed with disciplinary action as provided for in the Nurse Practice Act.

2. Practice only within the identified scope of professional nursing and nurse practitioner practice.

It is expected that you will perform only emergency deliveries, and that you will not perform circumcisions or repair episiotomies. Board members do not recognize the physician's planned vacation as necessarily constituting an emergency situation.

When the Board of Nursing rules and regulations for nursing practice require passing a national qualifying examination or Medicare, Medicaid, or State of Idaho hospital licensure regulations require certified registered nurse anesthetists, whichever is first, you must comply with specified requirements in order to continue to administer anesthesia. It is anticipated that the Board of Nursing requirements will go into effect in December, 1978.

To continue to administer anesthesia without the identified qualifications would place you in the position of practicing outside the legally recognized scope of nursing practice.
Board members recognize that you provide a valuable service in your community, but you must comply with the statutes and rules and regulations governing the practice of nursing.

Please do not hesitate to contact me if you have questions regarding this information.

Sincerely,

[Signature]

LEOLA DANIELS, R.N.
Associate Executive Director

LD:vmh

CC: Kitchener Head, M.D.
Dear Ms. Durtschi:

Following the joint meeting of the Boards of Medicine and Nursing with you and Dr. Head, the Board of Nursing members carefully reviewed the information they had received substantiating your attempting to prescribe one unauthorized potentially harmful medication and your writing of five prescriptions for controlled substances during the time period from April 3, 1983 to June 23, 1983. They determined that your actions are in violation of Title 03., Chapter D., Section 8., c., and Section 21., b. (i), (ii), (iii), and (iv) of the Board of Nursing's Rules and Regulations.

Based on violation of the Rules and Regulations for Nurse Practitioners, the Board members took action to revoke your prescribing privileges for a period of six months, effective from August 5, 1983. Prior to reinstatement of your prescribing privileges, it will be necessary for you to make reapplication as specified in Title 03., Chapter D., Section 8, Prescription Writing. (The application forms are enclosed.)

You may not prescribe any medications during the revocation period. The Board of Pharmacy has been requested to monitor compliance of the prescription writing revocation order.

If there are any further violations of the Board of Nursing's Rules and Regulations during the time period from August 5, 1983 to February 5, 1984, further disciplinary action will be immediately initiated.

Pursuant to Section 54-1412, IDAHO CODE, you may secure a hearing before the Board of Nursing by depositing a certified letter in the mail within thirty (30) days of receipt of this letter.

Sincerely,

Phyllis T. Sheridan

PHyllIS T. SHERIDAN, R.N.
Executive Director

700 West State Street, Boise, Idaho 83720 (208) 334-3110
Dear Dr. Head:

As we discussed by telephone today, it will be necessary for all prescribing to be done by you during the time period that Marian Durtachi's prescribing privileges are revoked. We understand that this will require Marian to have closer and more frequent contact with you or with an alternate physician than has been required when she had prescribing authority.

Marian can continue to see patients and to carry out nurse practitioner functions as outlined in the Nurse Practitioner Rules and Regulations (Title 03., Chapter D., Section 7., Scope of Practice). If a patient needs a prescription, however, Marian will need to discuss the case with you or with an alternate physician, who should then contact the pharmacist to authorize the prescription. It would also be possible for Marian to discuss the cases with you, then telephone prescriptions to the pharmacist who would contact you or the alternate physician for authorization of the prescription. The first method would be the preferred one, since it would require only two telephone calls, while the second would require three.

At the present time, qualified emergency room nurses can administer a single dose of pre-dispensed medication to stabilize a patient's condition in an emergency or life-threatening situation, under protocols approved by the medical staff. As a registered nurse, Marian could also do this.

I hope that a satisfactory arrangement can be worked out so that the health care services in the Teton Valley can continue to be provided within the temporary restrictions imposed by the Board of Nursing's disciplinary order. If we can be of further assistance to you in this matter, please let us know.

Sincerely,

Phyllis T. Sheridan

PHYLLIS T. SHERIDAN, R.N.
Executive Director

PTS:1hc
CC: Board of Medicine
    Board of Pharmacy

700 West State Street, Pocatello, Idaho 83201 (208) 334-3110
Marian Durtschi, R.N.
R.R. 59
Driggs, Idaho 83422

Dear Mrs. Durtschi:

The Board of Nursing records indicate that your certification to practice as a nurse practitioner expired June 17, 1977. The Board is unable to complete the processing of your certification materials submitted piecemeal beginning September 21, 1977 (following two Board letters dated July 21, 1977 and August 23, 1977, for which no reply was received, and a telephone call on September 9, 1977) because we have not yet received the list of specific medications or groups of medication for which prescriptions may be written. These were requested by Board members during the April 20, 1978, interview with you, and specifically in a letter to you dated May 12, 1978.

This letter is to advise you that you may not legally practice as a nurse practitioner in Idaho until you are currently certified.

Your scope of practice at this time may legally include only those functions contained in the definition of professional nursing, Idaho Code, 54-1402, and in the Minimum Standards, Rules and Regulations for the Practice of Nursing, 602.1 Generally Recognized Functions with Basic Nursing Education Preparation.

Should you continue to carry out nurse practitioner functions without benefit of current certification, the Board of Nursing will have no alternative but to proceed with disciplinary action.

Sincerely,

ROSEMARY SHABER, R.N.
Chairman, Idaho Board of Nursing

RS:LD:vmh

CC: Kitchener Head, M.D.

Encl. Idaho Nurse Practice Act
Rules and Regulations for the Practice of Nursing

B.C. Wayne Meuleman
TO: Marian Durtschi  
Driggs, ID 83422

FROM: Leola Daniels, R.N.  
Associate Executive Director

SUBJECT: Nurse Practitioner Recertification

DATE: September 7, 1979

I am writing to advise you that your nurse practitioner certification expired 8/31/79. (See enclosed copy of your Authorization to Practice)

Your recertification application, materials and fee have not been received in the Board of Nursing office. Therefore, you may not legally practice as a nurse practitioner until you are currently certified.

Your scope of practice at this time may legally include only those functions contained in the definition of professional nursing, Idaho Code, 54-1402 and in the Minimum Standards, Rules and Regulations for the practice of nursing, 4-3001.01-.05.

Violation of the provisions of the Nurse Practice Act or Rules and Regulations and Standards of Conduct and Practice as adopted by the Board is grounds for disciplinary action by the Board of Nursing (Section 54-1412 (a) (7), Idaho Nurse Practice Act). Therefore, if you continue to carry out nurse practitioner functions without benefit of current certification, the Board of Nursing will have no alternative but to proceed with disciplinary action.

In addition, Board of Nursing legal counsel has advised the Board that nurse practitioners practicing without current certification may not be covered by malpractice insurance; that such insurers may not defend the nurse practitioner in action occurring during an uncertified period; and that in relation to negligence, a client might have to prove negligence only by virtue of lack of certification as required by statute and rules and regulations.

If we do not hear from you within two weeks of receipt of this letter, in accordance with Board policies, an application for recertification may be held and you may be requested to personally appear before the Board at the next scheduled Board meeting. (October 31 thru November 2, 1979)
Thank you for your prompt attention to this matter.

So I regularly covered to practice as a nurse anesthetist.

In order to have your board of nursing notes during their

This information must be received by August 1, 1979, so that it may be

1. a statement of the length of time you have been regularly practicing

2. a statement of anesthesiologist from an Indiana hospital or

3. a statement of the length of time you have been regularly practicing

As your special circumstances would be covered under the water provision,

You must also submit the following written materials to the

none except for May 1, 1979. (see enclosures: Section 4-301)

Your special circumstances would be covered under the water provision

Regarded as registered nurse anesthetists, be appropriately supervised.

MRS. DURTSCH

Marion Durtschi, R.N.

1713 Idaho 83422

June 15, 1979

Washington 2, R.F.

EXHIBIT O

JARD OF NURSING
MINIMUM STANDARDS
RULES and REGULATIONS
for the
PRACTICE of NURSING

4-3011 - NURSE ANESTHETISTS
Anesthesia care must be provided by certified registered nurse
anesthetists or appropriately supervised trainees in an accredited
educational program recognized by the Board. A certified registered
nurse anesthetist is an individual who has passed a qualifying
examination administered by a nationally organized group recognized
by the Board, or who is awaiting the results of the first examination
scheduled following graduation from an accredited school of
anesthesia. The certified registered nurse anesthetist requirement
may be waived for registered nurses who are regularly providing
anesthesia services in Idaho at the time of effective date of these
rules and regulations, and who provide evidence of anesthesia
training, successful administration of anesthesia on a regular and
continuous basis over a long period of time, and written confirmation
from an Idaho anesthesiologist of ability and competence to admin-
ister anesthesia. (5-21-79)
August 10, 1979

Marian Durtschi, R.N., C.N.P.
R.R. 59
Driggs, Idaho 83422

Dear Mrs. Durtschi:

I am writing to notify you that the Board of Nursing members, during their August 6-7 Board meeting, were unable to grant you a waiver of the Certified Registered Nurse Anesthetist requirement as specified in Section 4-3011 of the Board of Nursing Rules and Regulations for Standards for the Practice of Nursing, effective May 21, 1979.

The Board members' decision was based on the fact that you provided the Board with no evidence that you met the waiver requirement which was enacted to protect the public health, safety and welfare.

You were notified by certified mail on June 15, 1979, of the information and materials necessary for the Board members to grant the waiver. (See enclosed copy of June 15, 1979, letter.)

Therefore, as neither the Nurse Practice Act nor Rules and Regulations provides for further exceptions for the Certified Registered Nurse Anesthetist requirements, you must immediately discontinue providing anesthesia services until the waiver has been granted. To do otherwise, will place you in the position of exceeding the scope of nursing practice in accordance with the Nurse Practice Act and Rules and Regulations. This may then subject you to disciplinary action by the Board of Nursing under Section 54-1412 of the Nurse Practice Act.

In addition, the surgeons and hospital administration may wish to clarify with their insurance carriers their liability in view of your failure to comply with the provisions for legal nursing practice.

Sincerely,

[Signature]

LEOLA DANIELS, R.N.
Associate Executive Director

LD/1w
Encl.
cc: Kitchener E. Head, M.D.
Mr. Gary Grandy, Administrator
Teton Valley Hospital