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

JOHN MARK EVANS
N-11278; RNA-129

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:
JOHN MARK EVANS,
License No. N-11278 and RNA-129
Respondent.

Case No. 03-005
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND FINAL ORDER

Having reviewed the Complaint and other documents filed 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. John Mark Evans (hereinafter "Respondent") is licensed by the Idaho State Board of Nursing under License No. N-11278 (lapsed) and RNA-129 to engage in the practice of nursing.

2. On October 28, 2002, Respondent voluntarily surrendered his nursing license to practice as a nurse anesthetist issued by the State of Maryland as a result of discipline being filed against his license for allegations of diversion of controlled substances.

3. On January 8, 2003 a copy of the Complaint was received by Board staff from the State of Maryland Board of Nursing. A copy is attached hereto as "A".

4. On January 28, 2003 an Administrative Complaint was issued, attached is a copy marked "B".

5. Board staff received some communication from Respondent which resulted in a Consent Agreement being received from Respondent on April 11, 2003. A copy is attached as "C".

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 1
6. Based upon the Consent Agreement and conditions Respondent needed to comply with the Board on April 23, 2003 dismissed the formal Complaint, attached hereto as “D”.

7. Respondent has not complied with terms 1c and d of the Consent Agreement and a condition imposed by the Board for dismissing the Complaint. Additionally, Board staff has not had further communication from Respondent.

8. Respondent has not surrendered either N-11278 or RNA-129 (also a condition for dismissal of the Complaint) and as he was instructed in a letter from Board staff dated April 28, 2003. A copy of the letter is attached as “E”.

9. Respondent has not complied with the condition imposed of him taking prompt measures to reinstate his Idaho nurse (RN) license.

CONCLUSIONS OF LAW

1. As a licensed nurse and RNA 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 licensure, N-11278 (lapsed) and RNA-129, was conditioned upon him having a current RN license in the State of Maryland. The Maryland State Board of Nursing accepted the voluntary surrender of that license on October 28, 2002. Therefor, Respondent is in violation of Idaho Code Section 54-1413(1)(i) and IDAPA 23. 01.01.100.10 and constitutes grounds for discipline.

3. Respondent’s failure to comply with the terms of the Consent Agreement received by Board staff on April 11, 2003 is in violation of the Agreement and Idaho Code Section 54-1413(1)(g) and IDAPA 23.01.01.100.08 and 132.004.g.i.

4. Respondent has also failed to comply with the conditions imposed on him for the Board dismissing the Complaint on April 23, 2003 this failure is in violation of Idaho Code Section 54-1413(1)(g).
5. Respondent's acts as set forth above and his failure to act as set forth in the attached documents constitute violations of Idaho Code § 54-1413(1)(g) and (i), thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code § 54-1413(3)(a).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being show, it is hereby ordered that License No. N-11278 and RNA-129 issued to John Mark Evans, are hereby ☒Revoked ☐Suspended, effective immediately.

DATED this 31st day of July, 2003.

IDAHO STATE BOARD OF NURSING

By Chairman
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 11TH day of AUGUST, 2003, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER addressed as follows:

Cheri L. Bush
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: ____________
X Statehouse Mail

John Mark Evans
9 B Tentmill Lane
Pikesville, MD 21208

X 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
Exhibit A:
October 28, 2002

Donna M. Dorsey, R.N., M.S.
Executive Director
Maryland Board of Nursing
4140 Patterson Avenue
Baltimore, Maryland 21215-2254

RE: Surrender of License to Practice Registered Nursing
License R128754

Dear Ms. Dorsey:

I agree to voluntarily surrender my license to practice registered nursing in the State of Maryland, license R128754. I understand that I may not engage in the practice of nursing, with or without compensation, as it is defined in the Maryland Nurse Practice Act, Md. Health Occ. Code Ann. §§8-101 et seq. (hereinafter, "the Act"). This Letter of Surrender shall become a PUBLIC document and shall become effective this 28th day of October, 2002. In other words, I agree that this letter and the Board's disposition may be released or published by the Board in its discretion, in the same manner as a final order resulting from a disciplinary action, under the Public Information Act, State Government Article, §§ 10-611 through 10-630, Annotated Code of Maryland.

My decision to surrender my license to practice registered nursing in Maryland has been prompted by an investigation of my nursing practice by the Maryland Board of Nursing (hereinafter, "the Board"). The investigation resulted from a complaint received by the Board on September 25, 2002. The complaint alleged a violation of § 8-316(a)(8) of the Act relating to my nursing practice:

8-316(a)(8): Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing.

These charges were based upon my conduct of diverting controlled dangerous substances at Franklin Square Hospital Center during the years 2000-2001 while employed there as a Certified Registered Nurse Anesthetist and while so licensed in Maryland.

I agree that the Board has enough evidence to prove these charges by a preponderance of the evidence at a hearing. I agree to return immediately all copies of my Maryland nursing license to the Board. In surrendering my nursing

Exhibit A
Page 1 of 2
license, I waive my rights now and in the future to any hearing on the charges, to any proceedings that would contest the validity of the factual allegations of the charges and to any appeals. In executing the agreement to surrender permanently my license to practice registered nursing to the Board, I recognize and agree that my status is the same as that of a person whose license has been revoked following a hearing before the Board. In other words, I agree that if after a period of one year following the date of this surrender, I decide to apply for reinstatement as a registered nurse in Maryland, I will approach the Board in the same posture as one whose license has been revoked based on the above charges. At that time, the Board may review my file, and determine my fitness to have my license reinstated. It will be my burden, as an applicant for reinstatement, to demonstrate that I meet the Board’s qualifications for licensure.

Finally, I wish to make clear that I have had an opportunity to discuss this matter with legal counsel and I willingly, knowingly and voluntarily sign this letter of surrender.

Sincerely,

[Signature]

John M. Evans, R.N.

Accepted for the Board:

[Signature]

Jane Garvin, R.N., M.S.
President
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: 

JOHN MARK EVANS, 
License Nos. N-11278 and RNA-129, 
Respondent. 

Case No. 03-005 
COMPLAINT

To: John Mark Evans 
596-A Riley Court 
Joppatown, MD 21805

1.

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

2.

John Mark Evans (hereinafter “Respondent”), is licensed by the Idaho State Board of Nursing under License No. RNA-129 to practice as a registered nurse anesthetist. He also holds License No. N-11278 to practice professional nursing, which license is lapsed.

3.

On or about October 28, 2002, the Maryland Board of Nursing accepted Respondent’s surrender of license to practice registered nursing in the State of Maryland. A copy of Respondent’s surrender of license, as well as the State of Maryland Board of Nursing’s acceptance of Respondent’s surrender, is attached hereto as Exhibit A.

4.

The surrender of Respondent’s Maryland license and its subsequent acceptance by the State of Maryland Board of Nursing as set out above constitutes a violation of Idaho Code § 54-1413(1)(i) and IDAPA 23.01.01.100.10 and constitutes grounds for discipline.
Pursuant to Idaho Code § 54-1413, the Board is authorized to enter an order of suspension or revocation of Respondent’s licenses, Number RNA-129 and N-11278 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 John Mark Evans 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 28th day of January, 2003.

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:

Roger L. Gabel  
Deputy Attorney General  
Civil Litigation Division  
P.O. Box 83720  
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28TH day of JANUARY, 2003, I caused to be served a true and correct copy of the foregoing by the following method to:

John Mark Evans
596-A Riley Court
Joppatown, MD 21805

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

Roger L. Gabel
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
CONSENT AGREEMENT

WHEREAS, Respondent John Mark Evans (hereinafter "Respondent") is licensed by the Idaho State Board of Nursing (hereinafter the "Board") under License No. RNA-129 to practice as a registered nurse anesthetist; and

WHEREAS, Respondent also holds License No. N-11278 (which license is lapsed) and is granted the privilege to practice professional nursing under the provisions of the Nursing Licensure Interstate Compact by virtue of current RN licensure in the State of Maryland; and

WHEREAS, on or about October 28, 2002, the Maryland Board of Nursing accepted Respondent’s surrender of license to practice registered nursing in the State of Maryland; and

WHEREAS, on January 28, 2003, a formal Complaint was filed against Respondent in Idaho State Board of Nursing Case No. 03-005, which Complaint alleged that the surrender of Respondent’s Maryland license and its subsequent acceptance by the State of Maryland Board of Nursing constitutes a violation of Idaho Code § 54-1413(1)(i) and IDAPA 23.01.01.100.10 and constitutes grounds for discipline; and

WHEREAS, the Board and Respondent desire to enter into this Agreement in lieu of proceeding with Case No. 03-005;

NOW, THEREFORE, the parties do hereby agree as follows:

1. Respondent agrees to the following terms and conditions:

   a. Because License Nos. N-11278 and RNA-129 are based upon Respondent’s holding and maintaining a valid Maryland license, Respondent will promptly take the necessary measures to reinstate his registered nursing license in Idaho;

   b. Respondent will voluntarily surrender License Nos. N-11278 and RNA-129 to the Board;

   c. Respondent will sign a Nurse Monitoring Contract with the Program for Recovering Nurses (PRN) with requirements for continued monitoring for up to five (5) years;

   d. Respondent will complete all terms and conditions of the PRN.
2. The Board agrees to dismiss the Complaint in Case No. 03-005, without prejudice.

3. Should Respondent fail to abide by the terms of this Agreement and the PRN requirements, the Board will re-institute the formal disciplinary action against Respondent's licenses.

ACKNOWLEDGMENT

I, John Mark Evans, have read and understand the above agreement fully and I have had the opportunity to discuss it with legal counsel. I understand that, by signing this Agreement, I may be waiving procedural rights guaranteed to me pursuant to the Idaho Administrative Procedures Act. I voluntarily, knowingly, and freely waive those rights, including the right to a hearing, in order to enter into this Agreement. I agree to the above stated terms.

DATED this 15th day of March, 2003.

John Mark Evans

DATED this 16th day of April, 2003.

IDAHO STATE BOARD OF NURSING

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

I concur in this agreement.

DATED this 18th day of April, 2003.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Roger L. Gabel
Deputy Attorney General

AGREEMENT - Page 2 of 2
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
JOHN MARK EVANS,  
License Nos. N-11278 and RNA-129,  
Respondent.  

Case No. 03-005

ORDER OF DISMISSAL
WITHOUT PREJUDICE

Based upon the Consent Agreement between the parties, a copy of which is attached hereto; now, therefore,

IT IS HEREBY ORDERED that the Complaint in this matter is hereby dismissed, without prejudice.

DATED this 23rd day of April, 2003.

IDAHO STATE BOARD OF NURSING

By Charles Moseley, CRNA
Chair

ORDER OF DISMISSAL - 1
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2003, I caused to be served a true and correct copy of the foregoing by the following method to:

John Mark Evans
9 B Tentmill Lane
Pikesville, MD 21208

Roger L. Gabel
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

☑ 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
John Mark Evans  
9 B Tentmill Lane  
Pikesville MD 21208

Dear Mr. Evans:

During their teleconference on April 23, 2003, the members of the Board of Nursing took action to accept the Consent Agreement and to issue an Order of Dismissal without Prejudice. This action was based on you taking prompt measures to reinstate your professional (RN) nurse license in Idaho, surrendering both the RN and RNA licenses, and entering the Program for Recovering Nurses.

Please return the reinstatement application and Voluntary Surrender of License form within the next ten (10) days. Following the issuance of your RN license, you will be referred to the PRN Program.

If you have any questions regarding this information, please contact this office.

Sincerely,

VICKY GOETTSCHE, MBA, RN  
Associate Director

U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

The Mission for th

Postage $——

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Postmark Here

JOHN EVANS  
9 B TENTMILL LANE  
PIKESVILLE MD 21208

USPS Term 3500, May 2000  
See Reverse for Instructions: