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

RON FISSE
N-11344

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
May 15, 2008

Ron Fisse
3015 Colorado Avenue
Caldwell ID 83605

Dear Mr. Fisse:

Following their review of written materials during their meeting of May 1-2, 2008, the members of the Board of Nursing took action to issue you a limited license, with conditions for five (5) years, upon receipt of the $100.00 fee required under IDAPA 23.01.01.901.04a. The conditions of limited licensure are indicated on the attached Order Granting Petition for Reinstatement of License. Report forms are included.

Motivation to assume responsibility for the submission of reports is an important aspect of recovery. Therefore, no reminders will be sent by the Board of Nursing in advance of when reports are due. You are expected to submit reports in a timely manner. Reports may be faxed (208) 334-3262 to aid in their timely submission. All reports should be submitted no later than the 30th of the month in which they are due.

The limited license may be summarily suspended and shall be surrendered upon demand without prior notice or hearing. In the event the Board of Nursing or its staff receives information or evidence that any of the conditions of the Limited License or the rules of the Board have been violated.

Please contact me if you have any questions concerning the Limited License or the conditions.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:the enclosure

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 BOARD OF NURSING

STATE OF IDAHO

In the Matter of the Application of
Ronald Arlen Fisse
License No. N-11344.

ORDER GRANTING PETITION
FOR REINSTATEMENT OF LICENSE

RESPONDENT

CASE 00-060

On April 1, 2008, Ronald Fisse (Respondent) applied for reinstatement of licensure. His application for reinstatement was presented to the members of the Idaho Board of Nursing (Board) on May 1-2, 2008. Following its review of the application, the matters on file with the Board, and the information submitted in support of the application, and good cause appearing therefore, the Board enters the following Order on Petition for Reinstatement.

FINDINGS OF FACT

1. Respondent was licensed as a professional nurse on August 26, 1975. He was issued license number N-11344.
3. On February 8, 2001, an Order of Revocation was issued.
4. The Board took disciplinary action against Respondent, based on its conclusion that Respondent was non-compliant with PRN contract requirements. A copy of the order entered by the Board on February 8, 2001 is attached hereto as Exhibit A.
5. Respondent failed to submit a written appeal or request for hearing regarding the decision of the Board.
6. Respondent applied for reinstatement of his license on April 1, 2008. Included with the application were the following documents:
   a. By letter of March 26, 2008, Respondent submitted a personal statement indicating that he had enrolled in an outpatient program, was attending AA meetings, and was enrolled in a nurse refresher program. He is participating in counseling sessions with the VA, has obtained a sponsor and is working the steps.
   b. By letter of March 26, 2008, Robert M. AA Sponsor, submitted a statement that Respondent is highly motivated in his undertaking towards recovery and is actively attending meetings.
c. By letter of March 27, 2008, William Pittman, PhD, Chief, Psychology Service, Department of Veteran Affairs, submitted a statement that Respondent was attending sessions and had expressed a commitment to maintaining his sobriety.
d. By letter of April 16, 2008, Donald May, Program Manager, Alcoholism Intervention Services, submitted a drug/alcohol evaluation, indicating Respondent was enrolled in a Level One Treatment Program, had completed 34.5 hours of Early Recovery/Relapse Prevention classes and is currently attending Aftercare group. Mr. May further stated that Respondent shows a sincere desire to maintain his sobriety and is working diligently to accomplish this goal.

7. During a regularly scheduled Board meeting on May 2, 2008, Respondent’s request was granted and a limited license for five years was authorized.

8. Seven additional letters were received supporting Respondent.

CONCLUSIONS OF LAW

1. The facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. The Board has the power to refuse to reinstate a license, and may place on probation, reprimand, limit, restrict, condition or take other disciplinary action against the licensee upon the determination that the licensee engaged in conduct constituting grounds for discipline. Idaho Code Section 54-1413.

3. In considering applications for reinstatement, the Board evaluates the nature and severity of the act that resulted in revocation; the applicant’s subsequent conduct; the lapse of time since discipline; the degree of compliance with any terms and conditions that the Board imposed; intervening circumstances; degree of rehabilitation; applicant’s adherence to law and rule; and applicant’s criminal background. IDAPA 23.01.01.120.03.

4. The Board may issue a limited license to an applicant who has been the subject of a disciplinary action, if it finds the applicant qualifies for reinstatement. IDAPA 23.01.01.132.01.a.

5. Respondent’s license was the subject of disciplinary action, based on conduct constituting legal grounds for imposition of discipline, as set forth in the Attached Exhibit A.

6. Respondent has provided evidence of Alcohol and Drug treatment and recovery.

7. Respondent’s previous history of discipline by the Board constitutes grounds for the imposition of limits or conditions on his license to practice.
ORDER

NOW, THEREFORE, it is hereby ordered that:

1. Respondent's petition for reinstatement is GRANTED, and
2. Respondent will be issued a LIMITED LICENSE, for a period of five (5) years, subject to Respondent's strict adherence to and compliance with each of the following conditions and limitations:
   a. Completion of the requirements for an out-of-practice applicant:
      i. Work under registered nurse supervision with no charge nurse responsibilities
      ii. After a minimum of 80 hours of supervised practice, request a registered nurse supervisor to submit a written performance evaluation regarding basic nursing skills as addressed in Nursing Practice Rules.
   b. Following receipt of satisfactory evidence that supervised practice has been completed, the supervision requirement shall be removed and the following conditions shall apply:
      i. Notify the Board of any change in current address and telephone number within ten (10) days of that change.
      ii. Notify the Board of the name(s) and address(es) of any and all employer(s), at the time that employment in any field is accepted.
      iii. Request immediate supervisor to submit performance evaluations at monthly intervals for twelve (12) months, then at quarterly intervals.
      iv. Request counselor to submit reports of progress at monthly intervals for twelve (12) months, then at quarterly intervals.
      v. Obtain and pay for random urine drug screens – 15 random screens during the first year, then at random intervals for the remainder of the five years.
      vi. Meet with Professional Board staff at quarterly intervals or as requested.
      vii. Submit investigative and attorney costs in the amount of $44.00 prior to issuance of the limited license.
      viii. Submit self-evaluations at monthly intervals for twelve (12) months, then at quarterly intervals.
      ix. Attend two-three (2-3) AA/NA meetings per week and submit signed cards monthly to confirm attendance.
      x. Request the 12-step sponsor to submit reports of progress at monthly intervals for twelve (12) months, then at quarterly intervals.
      xi. Have no access to narcotics for at least ninety (90) days following initial nursing employment.
      xii. Comply with all laws, rules, standards, policies and procedures pertaining to the practice of nursing.
      xiii. Abstain from the use of alcohol or any controlled substance or other drugs that are not medically prescribed, in which case, the respondent will furnish a copy of the prescription to the Board and the National Confederation of Professional Services (NCPS).
3. REPORTING REQUIREMENTS. All reports must be submitted to the Board of Nursing office by the 30th day of each month in which they are due. Further assure that any required reports to be submitted by others are submitted by the 30th of each month in which they are due.

4. EMPLOYMENT. Respondent may not be employed in any other state party to the Nurse Licensure Compact without having received written permission from that state.

IT IS FURTHER ORDERED, that any failure to strictly adhere to the foregoing conditions, including the submission of reports in a timely manner shall constitute grounds for the imposition of disciplinary action.

NOTICE OF APPEAL RIGHTS

This is a Final Order of the agency. Any party may file a motion for reconsideration of this Final Order within fourteen (14) days of the service date of this Order. The agency 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).

As set forth in section 54-1413, Idaho Code, and Board of Nursing Rule, IDAPA 23.01.01.165.01, you may petition for reconsideration of any final order of the Board upon the following grounds:

a. Newly discovered or newly available evidence relevant to the issues;
b. Error in the processing or Board decision that would be grounds for reversal or judicial review of the order;
c. Need for further consideration of the issues and the evidence in the public interest; or
d. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

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:

i. a hearing was held,
ii. the final agency action was taken,
iii. the party seeking review of the order resides or operates its principal place of business in Idaho, or
iv. 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.

DATED this _______ 7th____ day of ______ May_________ , 2008

IDAHO STATE BOARD OF NURSING

[Signature]

By:________________________

SUSAN ODOM, PhD, RN. Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14TH day of MAY, 2008, I caused to be served a true and correct copy of the foregoing ORDER GRANTING PETITION FOR REINSTATEMENT OF LICENSE, addressed as follows:

Karl Klein
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

Roger Gabel
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

Ronald Fisse
3015 Colorado Ave
Caldwell ID 83605

X U.S. Mail, postage prepaid
X Certified U.S. Mail, return receipt
_____ Hand Delivery

Dated this 14TH day of MAY, 2008.

SANDRA EVANS, MAEd, RN,
Executive Director,
Idaho Board of Nursing
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**Sent To:**

RONALD FISSE
3015 COLORADO AVE
CALDWELL, ID. 83605
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of:)
)
)
Ronald Arlen Fisse,)
License No. N-11344.)
)
 respondent.
)
)
)
)
)
)
Case No. 00-060

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho Board of Nursing (hereinafter the “Board”) hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Ronald Arlen Fisse (“Respondent”) is a duly licensed nurse in the State of Idaho holding License No. 11344.

2. On or about August 19, 1998, the Board received a complaint from the Wood River Medical Center, that Respondent had diverted narcotics from the medical center. A true and correct copy of the complaint and supporting documentation sent to the Board by the Wood River Medical Center is attached hereto as Exhibit 1.

3. Respondent voluntarily entered the Program for Recovering Nurses and has remained compliant with his contract. On or about September 26, 2000, Respondent notified the Board he was leaving the country and could no longer participate in the PRN.

4. On or about November 28, 2000, Respondent voluntarily surrendered his license, admitting that the allegations against him, if proven, would constitute grounds for discipline under the Nursing Practice Act. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 2.
5. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

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, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Nursing Practice Act and Rules and constitute grounds for revocation or suspension of Respondent's license to practice nursing pursuant to Idaho Code § 54-1413(1)(e) and IDAPA 23.01.01.100.09.b.

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-1413(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that Nursing License No. N-11344 issued to Respondent Ronald Arlen Fisse is

xx— Revoked

_____ Suspended ___ days/year(s) ______ indefinitely

based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that he present the following information to the Board with his application for reinstatement:

1. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER - 2
2. Documentation that he is rehabilitated and competent to practice nursing by submitting:
   a. A comprehensive drug/alcohol evaluation completed by a licensed mental health care provider at the time of application for reinstatement;
   b. A detailed summary of employment since licensure revocation or suspension;
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and

3. Evidence of financial compliance with NCPS and the Program for Recovering Nurses.

The Board reserves the right to assess investigative costs and attorney’s fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 8th day of February, 2001.

IDAHO BOARD OF NURSING

By Charles Moseley, CRNA
Charles Moseley, CRNA
Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLELY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

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 Board 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 Board 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.

If respondent’s license was revoked, then pursuant to Board Rule 121, Respondent may apply to the Board for reinstatement one (1) year after the execution of this Order. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

If respondent’s license was suspended, then pursuant to Board Rule 120, Respondent may apply to the Board within a reasonable time after the execution of this Order, or as specified by the term of suspension. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2001, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Ronald Arlen Fisse
P.O. Box 664
Hailey, ID 83333

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

Sandra Evans, M.A.Ed., R.N.
Executive Director
August 19, 1998

State Board of Nursing
PO Box 83720
Boise, Idaho 83720-0061
ATTN: Linda

Dear Linda:

As per our telephone discussion of today, please find below a written report of narcotic diversion which occurred in our facility.

On August 9, 1998 I received a telephone call from the on-duty charge nurse at our Hailey facility reporting that an on-duty nurse had accidentally knocked a coat off the coat rack. A vial of 4% cocaine fell from the coat pocket and the vial was replaced. She reported the incident to her charge nurse. The coat belonged to Ron Fisse, RN, a contract nurse in the employ (owner) of Personal Touch, Inc. As it was just prior to end of shift – I was unable to intervene with the nurse at that time in person. I met with Ron the next morning prior to his shift. As I began to report what I had been told, he openly admitted to having taken the cocaine from the narcotic locker, taken it home with a syringe, but reported having poured the solution down his sink at home. He told me this was his first incident of this nature, and that he has been under a great deal of stress lately. Our conversation ended and he left the building.

Please let me know if I can provide any further information.

Sincerely,

Theresa Bush
Associate Director Clinical Services
VOLUNTARY SURRENDER OF LICENSURE
IN LIEU OF FORMAL DISCIPLINARY PROCEEDINGS

1. ___________ FISSE ___________, hereby voluntarily surrender my license to practice nursing in the State of Idaho and will immediately discontinue the practice of nursing in this state. By affixing my signature hereto, I acknowledge that:

1. I have been advised that, without my consent, no legal action can be taken against me except as allowed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

2. I understand that I have the following rights, among others: the right to representation by counsel, the right to a formal hearing, to reasonable notice of such hearing, to present evidence and testimony on my behalf, to compel the testimony of witnesses, and to cross-examine the witnesses against me; and

3. I waive all such rights.

4. I also waive the right to contest this surrender and the right to challenge the board for bias in any subsequent proceedings concerning this matter or any other matters are brought before the board.

5. I understand that, pursuant to Idaho Code §54-1413(2)(a), the Board of Nursing will enter an order either revoking or suspending my license to practice nursing based upon this voluntary surrender of my license.

6. In surrendering my license to practice nursing, I am not making any admissions; however, I agree that the allegations against me, if the same had been proven true in a disciplinary hearing, would constitute grounds for the imposition of a disciplinary action against me.

7. I understand that by surrendering my license to practice nursing I am also surrendering all of the privileges associated with that licensure, until such time as I am again properly licensed.

8. I agree that there will be no rebate or refund, either in full or in part of any sums previously made by me in connection with my licensure, including but not limited to payments of license application or renewal fees.

9. I understand that to obtain a license to practice nursing in the state of Idaho, I must re-apply to the Idaho State Board of Nursing pursuant to the provisions of Title 54, Chapter 14, Idaho Code and all applicable rules and orders entered by the Board.

State of Idaho
Board of Nursing

This is to certify that
RONALD FISSE
PO BOX 3715
ETCHUM ID 83340

was complied with the requirements of the law and is entitled to practice as a LICENSED PROFESSIONAL NURSE (RN)

Valid when signed by licensee

License Number
N-11344

Expires: August 31, 2001

Signature of Licensee

Signature of Witness

Address

KIMBERLY, ID 83341

City, State, Zip

Exhibit 2
Page 1 of 2
January 19, 2001

To the State Board of Nursing:
This letter is to accompany my surrender of licensure.

In August of 1998 I voluntarily admitted myself to the 'Program for Recovering Nurses' for a breach in the professional practice of nursing, that I believed was a symptom of the turmoil in my personal life over a divorce from a 27 year marriage. I simultaneously sought counseling and began attending 12 step recovery meetings, as I knew I was in crisis. It was a decision I did not regret, until I requested to vacation outside the USA, and was denied.

I was given no choice but to surrender my Registered Nursing license in Idaho because the PRN Program, as directed by the Idaho Board of Nursing, arbitrarily decided to enforce a policy of not granting me more than a two week leave out of the country. This was unexpected as previous similar requests had been granted with no indication that this was not in keeping with policy.

I remained compliant with the terms of the contract with the program and the Board, but leaving the country would jeopardize that compliance. Compliance is the only measure of success or failure in the program. I was invited by the PRN staff to chance that an action against me to revoke my licence may not be taken, but I could not take this gamble. The subject was sure to come up again, as my plans were to spend a considerable amount of time out of the country.

Several conversations followed with the final decision being that I had the choice of not leaving the country or having disciplinary action taken against me, with a possibility of revoking my licensure. I could not take the chance of this happening, and I could not change the plans I had made to leave the country for an extended period of time. So the only option I felt I had was to voluntarily surrender and suspend my license in lieu of having it revoked.

To comply with the requirements of the program while spending half of the year in a remote village in Mexico would be impossible. The Board expressed an inability to compromise. It is with regret that I submit my Voluntary Surrender effective November 28, 2000.

Sincerely,

Ron Fiske

Exhibit 2
Page 2 of 2