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

JEANNIE FOSTER
PN-15258
April 18, 2011
CERTIFIED MAIL

Jeannie Foster
3216 Arcadian Drive
Caldwell, ID 83605

Dear Ms. Foster:

During their meeting on April 14-15, 2011, the Board of Nursing members took action to approve the Stipulation and Consent Order. Enclosed is a copy of the Consent Order.

Your practical nurse license, PN-15258 has been SUSPENDED INDEFINITELY. You may not apply for reinstatement until you have satisfied the requirements for reinstatement listed in Section C.2. of the Consent Order.

The Order became effective April 14, 2011, and you may not practice nursing in Idaho or any other state participating in the Nurse Licensure Compact.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:the enclosure
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:   )
) Case No. BON 11-013
JEANNIE FOSTER,  )
License No. PN-15258,
) STIPULATION AND
Respondent.  )
) CONSENT ORDER

WHEREAS, information has been received by the Idaho State Board of Nursing ("Board") that constitutes sufficient grounds for the initiation of an administrative action against Jeannie Foster ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. JURISDICTION OF THE BOARD

A.1. The Board regulates the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

A.2. The Board has issued License No. PN-15258 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 14, Idaho Code and the Board's rules at IDAPA 23.01.01, et seq.

B. STIPULATED FACTS AND LAW

B.1. On or about February 4, 2011, the Board received information regarding discipline taken by the Oregon State Board of Nursing ("Oregon Board") against Respondent's Oregon nursing license. The information provided to the Board included, but was not limited to, the Stipulation for Suspension of Practical Nurse License with Conditions, Case No. 11-029, dated December 13, 2009 ("Oregon Stipulation") and the Final Order, Case No. 11-029, dated January 19, 2011 ("Oregon Order"). True and correct copies of the Oregon Stipulation and Order are attached hereto as Exhibit A and Exhibit B, respectively.
B. 2. The Oregon Stipulation provided a factual basis for discipline against Respondent’s Oregon nursing license as follows:

Licensee [Respondent] has worked as a staff nurse for Columbia Basin Care Facility since 2005. On the evenings of July 2, 2010, and July 3, 2010, Licensee [Respondent] drew up and administered insulin to a diabetic patient at bedtime. Licensee [Respondent] charted the initials of another nurse to indicate that the nurse had checked and signed off on the insulin dose, even though the nurse had not checked the dose, and in fact, was not working on those evenings. There was no harm to the patient.

See Oregon Stipulation, page 1.

B. 3. On January 19, 2011, the Oregon Order was entered by the Oregon Board approving the Oregon Stipulation and suspending Respondent’s Oregon nursing license consistent with the terms and conditions of the Oregon Stipulation.

B. 4. The allegations set forth in paragraphs B.1. through B.3., if proven, would violate the laws and rules governing the practice of nursing in Idaho and constitute grounds for discipline, specifically:

a. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);

b. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public); and

c. Idaho Code § 54-1413(1)(i) and Board Rule 100.10 (a nurse shall not have his/her license to practice nursing suspended, revoked, restricted or otherwise disciplined in any jurisdiction).

B. 5. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

C. STIPULATED DISCIPLINE

C.1. Respondent’s license, PN-15258, is SUSPENDED INDEFINITELY beginning on the date the Board executes its Order on this Stipulation. During the period of indefinite
suspension, Respondent shall not practice nursing in Idaho. Respondent shall not seek reinstatement of her license until she has satisfied the requirements for reinstatement listed below.

C.2. At such time as Respondent requests reinstatement of her license, she shall comply with the requirements set forth in applicable statutes and rules, including Idaho Code § 54-1411(3). Respondent shall further comply with the provisions of IDAPA 23.01.01, Sections 61.04 and 120, as applicable. In addition, Respondent must submit the following information to the Board with any request for reinstatement:

a. Documentation that she has successfully reinstated her Oregon license, not committed any further violations of the statutes and rules governing the practice of nursing in Oregon, and otherwise satisfied all the terms and conditions of the Oregon Stipulation; and

b. Any other requested information deemed necessary by the Board in its discretion to demonstrate Respondent’s fitness to practice nursing.

After evaluation, the Board may deny Respondent’s request for reinstatement, grant reinstatement, or issue a limited license allowing Respondent to practice under specific terms and conditions.

C.3. The Board reserves the right to assess investigative costs incurred in this matter as a condition of reinstatement, and to impose such other conditions upon Respondent’s reinstated license as the Board may deem appropriate in its discretion.

C.4. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.5. If Respondent fails to comply with any of the terms and conditions set forth in this Stipulation and Consent Order, the Board may order that Respondent’s nursing license be revoked or suspended indefinitely until such time as Respondent has come into compliance with the terms and conditions of this Stipulation and Consent Order. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this
Stipulation and Consent Order. Any action taken by the Board to enforce compliance with this Stipulation and Consent Order shall be in accordance with Section E. The Board may also require Respondent to pay any additional costs incurred by the Board to enforce this Stipulation and Consent Order.

D. PRESENTATION OF STIPULATION TO BOARD

D.1. The Board’s prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent’s approval, or reject this Stipulation. If the Board rejects the Stipulation, an Administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board’s impartiality to hear the allegations in the Administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent’s waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2., which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. VIOLATION OF STIPULATION AND CONSENT ORDER

E.1. The Board has authority to enforce compliance with the terms and conditions of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives her ability to challenge the Board’s authority to enforce compliance on appeal to a district court. If there is reason to believe Respondent has violated any of the terms or conditions of this Stipulation and Consent Order, the Executive Director of the Board shall file a Motion to Enforce setting forth the allegations of non-compliance. The Motion to Enforce will include
notice to Respondent, and her attorney, if applicable, of the allegations of non-compliance and Respondent’s opportunity to request a hearing regarding the allegations of non-compliance. If Respondent fails to request a hearing pursuant to the Motion to Enforce, any allegations of non-compliance will be deemed admitted.

E.2. If Respondent is found to have violated the terms and conditions of this Stipulation and Consent Order, Respondent’s license shall be revoked or suspended indefinitely until Respondent has come into compliance with the terms and conditions of the Stipulation and Consent Order as set forth in Section C.6 above. Any additional costs incurred by the Board in such enforcement action shall be the responsibility of Respondent.

E.3. If Respondent is found to have not violated the terms and conditions of this Stipulation and Consent Order, Respondent’s license shall be reinstated to the status of the license at the time the Motion to Enforce was filed.

F. WAIVER OF PROCEDURAL RIGHTS

I, Jeannie Foster, by affixing my signature hereto, acknowledge that:

F.1. I have read, understand and admit the allegations pending before the Board as stated in Section B, above, and I agree that the Board has jurisdiction to proceed in this matter.

F.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; and all rights accorded by the Idaho Administrative Procedure Act and the laws and rules governing the practice of nursing in the state of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of this matter.

F.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

F.4. I understand that this Stipulation and Consent Order is the resolution of a contested case and is a public record.

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STIPULATION AND CONSENT ORDER - 5
ORDER

Pursuant to Idaho Code §§ 54-1404 and 54-1413, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 14th day of April, 2011. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By ___________________________
Susan Odom, Ph.D., R.N.
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Jeannie Foster
3216 Arcadian Drive
Caldwell, ID 83605

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

Andrew J. Snook
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Linda Coley
Management Assistant
Idaho Board of Nursing
BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of
Jeannie Arlene Foster, LPN
License No. 2005300010LPN

STIPULATION FOR SUSPENSION
OF PRACTICAL NURSE LICENSE
WITH CONDITIONS

Case No. 11-029

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensing and regulation of licensed practical nurses in Oregon. Jeannie Arlene Foster, hereinafter referred to as “Licensee,” is a Licensed Practical Nurse in the State of Oregon. Licensee received Oregon licensure by endorsement on January 13, 2005.

Licensee has worked as a staff nurse for Columbia Basin Care Facility since 2005. On the evenings of July 2, 2010, and July 3, 2010, Licensee drew up and administered insulin to a diabetic patient at bedtime. Licensee charted the initials of another nurse to indicate that the nurse had checked and signed off on the insulin dose, even though the nurse had not checked the dose, and in fact, was not working on those evenings. There was no harm to the patient.

The above conduct is a violation of the provisions of ORS 678.111(1)(f),(g); OAR 851-045-0040 (3)(a), (b)(i), and OAR 851-045-0070(1)(a),(3)(a),(c), and (4)(b).

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder

851-045-0040 Scope of Practice Standards for All Licensed Nurses

(3) Standards related to the licensed nurse’s responsibilities for ethics, including professional accountability and competence. The licensed nurse:

(a) Has knowledge of the statutes and regulations governing nursing, and practices within the legal boundaries of licensed nursing practice;

(b) Accepts responsibility for individual nursing actions and maintains competence in one’s area of practice;

(i) Demonstrates honesty and integrity in nursing practice.

Stipulation for Suspension with Conditions: Jeannie Arlene Foster
Page 1 of 3
851-045-0070 Conduct Derogatory to the Standards of Nursing Defined Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:
(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.
(3) Conduct related to communication:
(a) Inaccurate recordkeeping in client or agency records.
(c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to filling in someone else’s omissions, signing someone else’s name, record care not given, and fabricating data/values.

(4) Conduct related to achieving and maintaining clinical competency:
(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter.
Therefore the following will be proposed to the Board and is agreed to by Licensee:

That the Practical Nurse license of Jeannie Arlene Foster be suspended for 15 days to begin five days after the Final Order is issued.

Licensee shall complete two courses of study: one course on professional accountability, and one course on documentation.

Each of these two courses can be either continuing education of at least 5 CEUs or an academic course of at least 1 day in length. Each course must be approved in advance by the Board and must be completed before March 1, 2010. In addition, Licensee shall present an outline and a certificate of completion for each course.

Licensee shall write a paper for each of the two courses, at least 3 pages in length, summarizing the information she has learned which can improve her practice as a licensed practical nurse. The two papers must be double-spaced, have 1” margins, and a font no larger than 12. Both papers must be completed and submitted before April 1, 2010.

Licensee understands that in the event she engages in future conduct resulting in violations of law, or violations of the terms and conditions of this Stipulation, the Board may take further disciplinary action against her, up to and including revocation of her nursing license.
Licensee understands that this Stipulation will be submitted to the Board for approval, and that it is subject to the Board’s confirmation.

Licensee understands that by entering into this Stipulation she waives the right to an administrative hearing under ORS 183.310 to 183.550.

Licensee understands that this Stipulation is a public record.

Licensee, by her signature below, attests that she has read and understands this Stipulation and agrees to abide by each and every one of its terms and conditions.

Licensee understands that, if proven, the conduct described above is grounds for the Board to issue a notice of intent to impose disciplinary action. Licensee does not wish to avail herself of her right to receive such Notice, or to ask for a contested case hearing on the matter, as is her right under Oregon law, and therefore is willing and proposes to resolve this matter by entering into this Stipulation.

Licensee further attests that no promises, representations, duress, or coercion have been used to induce her to sign this Stipulation.

Dated this 13 day of December, 2010

Jeannie Arlene Foster, LPN

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FNE
Investigations Manager

Tammy Palumbo, RN, BSN
Nurse Investigator
BEFORE THE BOARD OF NURSING 
OF THE STATE OF OREGON

In the Matter of ) ) FINAL ORDER
Jeannie Arlene Foster, LPN ) ) Case No. 11-029
License No. 2005300010LPN ) )

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses, in the State of Oregon. Jeannie Arlene Foster (Licensee) is a Licensed Practical Nurse in the State of Oregon.

This Matter was considered by the Board on January 19, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation signed by Licensee on December 13, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on December 13, 2010 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Practical Nurse License of Jeannie Arlene Foster be suspended as set forth in the Stipulation.

DATED this 19 day of January, 2011.

Patricia Markesino, RN
Board President

Jeannie Foster – Final Order
F.5. I understand that this Stipulation contains the entire agreement between the parties, and I agree that I am not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded to me under Idaho law. I understand that the Board may approve this Stipulation as proposed, approve it subject to specified changes with my approval, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 26 day of March, 2011.

[Signature]
Jeannie Foster
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 5th day of April, 2011.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By [Signature]
Andrew J. Snook
Deputy Attorney General
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Sent To:  
JEANNIE FOSTER  
3104 ARCADIAN DRIVE  
Caldwell, ID. 83605