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

ROBIN FOX
NP-189A

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: ROBIN D. FOX License No. NP-189A, Respondent. Case No. 04-026

STIPULATION AND CONSENT ORDER

WHEREAS, information having been received by the Idaho State Board of Nursing (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Robin D. Fox (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

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

A.

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

2. Respondent Robin D. Fox is a licensee of the Idaho State Board of Nursing and holds License No. NP-189A to practice professional nursing in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 14, Idaho Code.

3. The Board received Respondent's renewal application and certificate of continuing education form on August 28, 2003. Respondent's application was selected for a random audit by the Board's staff and Respondent was notified of the audit on November 21, 2003. Respondent was to submit verification of attendance of the programs indicated on the form she had submitted with her renewal application. Respondent was not able to submit verification of her attendance until May 5, 2004. The audit showed
Respondent had the requisite total number of credits needed, however she lacked the required ten credits in pharmacology.

4. The facts as stated in paragraphs 1-3, above, constitute violations of Idaho Code § 54-1413(1)(g) and (h) and IDAPA 23.01.01.100.08 and .09, and 23.01.01.315.02.b.

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

B.

I, Robin D. Fox, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations if proven, constitute cause to discipline my license to practice nursing in the state of Idaho, and I agree that the Board has jurisdiction to proceed in this matter.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

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

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:
1. Respondent completes the pharmacological credits she is lacking and submits verification of attendance to the Board's staff prior to the next regularly scheduled Board meeting on November 11-12, 2004. These credits shall only apply to the reporting year that ended in 2003.

2. Respondent pays the actual costs of investigation and attorney fees incurred by the Board in bringing this action in the total sum of $476.00. Respondent will pay this prior to the next regularly scheduled Board meeting on November 11-12, 2004.

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the regularly scheduled meeting of the Board on July 29-30, 2004.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, an administrative hearing will be held at the next regularly scheduled Board meeting on November 11-12, 2004. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the allegations in the Complaint if, after review by the Board, this settlement agreement is rejected.

3. If the Board does not accept this Consent Order, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. This Consent Order shall not become effective until it has been approved by a majority of the board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Respondent understands that the Board will not refund, in whole or in part, any monies paid to the Board for her initial licensure or renewal licensure.

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7. Any default of this Consent Order shall be considered a violation of Idaho Code § 54-1413. If Respondent violates or fails to comply with this Consent Order, the Board may impose additional discipline pursuant to the following procedure:

   a. The Board’s executive director shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

   b. At the hearing before the Board upon default, the Board staff and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

   c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent’s practice or suspension or revocation of Respondent’s license.

8. The Board shall have the right to make full disclosure of this Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information pursuant to any applicable limitations of the Idaho Public Records Act, title 9, chapter 6 Idaho Code.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.
I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Consent Order as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 13th day of August, 2004.

[Signature]
Robin D. Fox
Respondent

I concur in this stipulation and order.

[Signature]
Daniel L. Glynn
Attorney for Respondent

DATED this 18th day of August, 2004.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By [Signature]
Cheri L. Bush
Deputy Attorney General
ORDER

Pursuant to Idaho Code § 54-1404, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 26th day of August, 2004. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By

Daniel Bauer, RN
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 2004, I caused to be served a true and correct copy of the foregoing STIPULATION AND CONSENT 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

Robin Fox
C/o Daniel Glynn
Cosho Humphrey, et al
815 W. Washington
Boise, ID 83702

X U.S. Mail, postage prepaid

X 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