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

Jody A. Frank

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Dear Ms. Frank:

During their meeting on January 28-29, 2010, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your practical nurse license, PN-13043 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective January 29, 2010. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lhce
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 IDAHO STATE BOARD OF NURSING

In the Matter of the License of: JODY A. FRANK, License No. PN-13043, Respondent. Case No. BON 08-012

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Having reviewed the documents appended hereto, the Idaho State Board of Nursing (the "Board") enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Jody A. Frank ("Respondent") has been licensed by the Idaho State Board of Nursing under License No. PN-13043 to engage in the practice of nursing in the State of Idaho.

2. On or about July 17, 2009, the Board received a Report of Violation of the Nurse Practice Act which indicated there were ongoing and repeated patterns of discrepancy in Respondent’s administration of controlled substances, in particular Hydrocodone.

3. During an interview on July 17, 2009, Respondent admitted to the Board investigator that she had been addicted to prescription medications following numerous surgeries and eventually resorted to alcohol to cope. Respondent further admitted that she had participated in a three-week inpatient treatment program and was currently enrolled in an eight-week intensive outpatient treatment program.

4. On November 13, 2009, Respondent voluntarily surrendered her license, further admitting that she diverted narcotics from her employer for personal use and was recently hospitalized for detox and treatment of alcoholism at a treatment facility. Respondent agreed to enter treatment immediately and to participate in the Program for Recovering Nurses (PRN), a monitoring program, and to resume the practice of nursing only at such time as a conditional limited license was issued to her. A true and correct copy of Respondent’s Voluntary Surrender of License is attached hereto as Exhibit A.

5. On November 16, 2009, Board staff sent Respondent a letter instructing her to contact John Southworth, Coordinator, Program for Recovering Nurses (PRN) regarding enrollment within 7 days of receipt of the letter. The letter was sent to Respondent by means of
the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent home address on file with the Board, as follows:

Jody Frank
11410 N. Eastshore Drive
Hayden Lake, ID 83835

A true and correct copy of the November 16, 2009, letter from Board staff to Respondent is attached hereto as Exhibit B.

6. The certified mail return receipt indicates that the copy of the Complaint sent by certified mail was received at Respondent’s address on November 21, 2009. A true and correct copy of the certified mailing receipt is attached hereto as Exhibit C. In addition, the envelope containing a copy of the letter which was sent to Respondent by regular mail was not returned to the sending office.

7. On December 7, 2009, the PRN notified the Board that Respondent failed to contact PRN as instructed on November 16, 2009. A true and correct copy of the December 7, 2009, letter from PRN to the Board is attached hereto as Exhibit D.

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.

2. Respondent’s Idaho License No. PN-13043 is conditioned upon her complying with the laws and rules of the Idaho State Board of Nursing.

3. Respondent diverted drugs from her employer without prior consent or authorization from her employer.

4. Respondent habitually used drugs and alcohol.

5. Respondent voluntarily surrendered her license and agreed to enroll in and comply with the terms of the PRN. She has failed to do so.

6. Respondent’s acts as set forth above constitute violations of the laws and rules governing the practice of nursing in the State of Idaho; specifically:

///

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 2
a. Idaho Code § 54-1413(1)(3) and Board Rule (IDAPA 23.01.01) 100.06 (a nurse shall not habitually use alcoholic beverages or drugs);

b. 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);

c. 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);

d. Board Rule 101.04.e (a nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs); and

e. Board Rule 101.05.f (a nurse shall respect the property of the patient and employer and shall not take or divert equipment, materials, property, or drugs without prior consent or authorization).

7. Pursuant to Idaho Code §54-1413(3)(a), Respondent's voluntary surrender of her license empowers the Board, without a hearing, to revoke or suspend Respondent's license and/or impose such conditions, limitations, or restrictions on her license as the Board in its discretion may deem appropriate.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. PN-13043 issued to Jody A. Frank is hereby:

   X Revoked: Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a _____ year period after entry of this Order, whichever period is greater.

   _____ Suspended: _____ days _____ year(s) _____ indefinitely. Respondent’s license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.
2. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120, if Respondent’s license is revoked, or IDAPA 23.01.01.61.04, if Respondent’s license is suspended. This will include, but is not limited to, providing the following information to the Board:
   a. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;
   b. Documentation that she is rehabilitated and competent to practice nursing by submitting:
      i. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement.
      ii. A detailed summary of employment since licensure revocation or suspension; and
      iii. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.

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

This order is effective immediately.

DATED this 27th day of January, 2010.

IDAHO STATE BOARD OF NURSING

By

Susan Odom, Ph.D., R.N.
Chair
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 issuance 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 issuance 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 29th day of January, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Jody A. Frank
11410 N. Eastshore Drive
Hayden Lake, ID 83835

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

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Facsimile:
☒ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
RULE 132
Idaho Board of Nursing
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

1. Jody A Frank, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: diverted narcotics from place of employment using them for personal use and recently was hospitalized for the detox & treatment of alcoholism through a treatment center.

2. I understand that the admitted facts constitute grounds for disciplinary action pursuant to the Nursing Practice Act, Idaho Code, §54-1413 (1) and the rules of the Board, IDAPA 23.01.01, et seq. I also understand that the Board of Nursing has the authority to accept this voluntary surrender pursuant to Idaho Code §54-1404(2).

3. I am aware that, without my consent, no legal action can be taken against me, except pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.

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

5. I waive all such rights, including the right to a formal disciplinary hearing.

6. I also waive the right to challenge the Board for bias in the event that charges concerning these admitted facts or any other matter involving my license are brought before the Board.

7. In lieu of a formal disciplinary hearing, I voluntarily surrender my license on a temporary basis. Attached is my license, number PN-13043; I agree to immediately discontinue the practice of nursing in Idaho.

8. I will enter treatment as required by the Board, and fully participate in the Program for Recovering Nurses (PRN) monitoring program. I will resume the practice of nursing only at such time as a conditional limited license has been issued to me. If I do not fully participate in and cooperate with the PRN, the Board may enter an order revoking or otherwise disciplining my license, including any conditional license that may have been issued, without further notice or hearing or other process given to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as "surrendered".

DATED 10.13.09

Signature of Licensee
Jody Frank
11410 N Eastshore Dr.
Hayden Lake ID 83835

DATED 11/13/09

Address
City, State, Zip

Signature of Witness
Amber D. Dodd

Revised 1008 - PRN

Exhibit A
Page 1 of 2
State of Idaho
Board of Nursing

License Number
PN-13043

This is to certify that:

JODY ANN FRANK
11410 N EASTSHORE DR
HAYDEN, ID 83835

has complied with the requirements of the law and is entitled
to practice as a LICENSED PRACTICAL NURSE (LPN)

[Signature]

Valid when signed by licensee.
Jody Frank
11410 N Eastshore Drive
Hayden Lake ID 83835

Dear Ms. Frank:

We are in receipt of your statement of Temporary Voluntary Surrender of License. At this time, please contact John Southworth, Coordinator, Program for Recovering Nurses at (800) 386-1695, regarding enrollment in the Program, within seven (7) days of receipt of this letter.

At this time, we have completed our investigation into this concern and have determined that there has been a violation of the Nursing Practice Act and Rules of the Board of Nursing. As long as you remain compliant with the contract requirements and further information does not come to the Board's attention, no action will be taken regarding this issue. Should you decide to withdraw from this program or otherwise become non-compliant with any of the conditions, the investigation will be activated and action initiated as appropriate.

You will be authorized to return to work when you meet the requirements of the "Return to Nursing Practice" guideline (enclosed) and Rule 23.01.01.132. Should you become non-compliant with any of the conditions of your monitoring contract, your file will be referred to the members of the Program for Recovering Nurses Advisory Committee, who may recommend that disciplinary action be initiated.

If you need additional information at this time, please contact this office.

Sincerely,

[Signature]

JANET EDMONDS, MSN, RN
Director for Professional Compliance

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.
**_SENDER: COMPLETE THIS SECTION_**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. **Article Addressed to:**

   **JOEY AND PEACE**
   1410 N EASTSHORE DR
   HAYDEN, ID 83835

2. **Article Number**

   (Transfer from service label) 7007 3020 0001 4017 2306

   PS Form 3811, February 2004
   Domestic Return Receipt
   102555-02-16-1540

**COMPLETE THIS SECTION ON DELIVERY**

- **A. Signature**

  ![Signature]

  - [ ] Agent
  - [ ] Address

- **B. Received by (Printed Name)**

  ![Name]

- **C. Date of Delivery**

  ![Date]

- **D. Is delivery address different from item 1?**

  - [ ] Yes
  - [ ] No

3. **Service Type**

   - [ ] Certified Mail
   - [ ] Express Mail
   - [ ] Registered
   - [ ] Return Receipt for Merchandise
   - [ ] Insured Mail
   - [ ] C.O.D.

4. **Restricted Delivery? (Extra Fee)**

   - [ ] Yes

Exhibit C
Page 1 of 1
December 7, 2009

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Jody Frank

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Jody Frank has failed to contact this office and enroll in the Program for Recovering Nurses (PRN) as a Board referral. On November 16, 2009 the Board sent Ms. Frank a Certified letter instructing her to; “...contact John Southworth, Coordinator, Program for Recovering Nurses at (800) 386-1695, regarding enrollment in the Program, within seven (7) days of receipt of this letter.”

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact me at (208) 323-9555.

Sincerely,

Steven R. Hurst
Compliance Monitor
Southworth Associates

cc: Jody Frank

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
Document Unknown
Returned 3-3-10