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

RUTH GOICOECHEA
N-13824

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
January 30, 2008

Ruth Goicoechea
3300 Park Avenue
Burley ID 83318

Dear Ms. Goicoechea:

Following their review of written materials during their meeting of January 24-25, 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 will be mailed to you with the limited license.

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

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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 ) ORDER GRANTING PETITION
Ruth Goicoechea ) FOR REINSTATEMENT OF LICENSE
License No. N-13824, ) CASE 02-056
RESPONDENT. )

On December 24, 2007, Ruth Goicoechea (Respondent) applied for reinstatement of licensure. Her application for reinstatement was presented to the members of the Idaho Board of Nursing (Board) on January 24-25, 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 10, 1979. She was issued license number N-13824.
2. On February 6, 2006, an Order of Revocation was issued.
3. The Board took disciplinary action against Respondent, based on its conclusion that respondent was non-compliant with the terms of her PRN contract by testing positive for ETOH on April 15, 2005.
4. Respondent’s limited license, N-13824 was terminated on June 6, 2005, and she was referred to the Program for Recovering Nurses Advisory Committee for review. During their June 24, 2005 meeting, the Committee authorized Respondent to re-enroll in the Program.
5. The Board received information on January 19, 2006, that Respondent was non-compliant with her PRN contract for submitting a urine drug screen on November 18, 2005, that was positive for Ethylglucuronide (EtG).
6. The Program for Recovering Nurses Advisory Committee reviewed Respondent’s file on January 20, 2006, and took action to refer her to the Board for formal disciplinary action.
7. 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 6, 2006 is attached hereto as Exhibit A.
8. Respondent failed to submit a written appeal or request for hearing regarding the decision of the Board.
10. During a regularly scheduled Board meeting on January 25, 2007, Respondent’s request was granted and a limited license for five years was authorized.

11. By letter of November 6, 2007, Respondent submitted a personal statement indicating that she had completed counseling sessions, attended regular AA/NA meetings, had two negative urine drug screens for alcohol and is working on obtaining a sponsor.

12. By letter of November 6, 2007, Respondent submitted a statement that she has worked as a volunteer from July 13th to September 15, 2007 and has been teaching CPR and first aid classes.

13. By letter of November 26, 2007, Sallie Sublette, LCSW, submitted a drug/alcohol evaluation, indicating Respondent was actively and effectively pursing a course of treatment that helped her maintain sobriety for over a year, and recommended that her license be reinstated.

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 completed Alcohol and Drug treatment.

7. Respondent’s previous history of discipline by the Board constitutes grounds for the imposition of limits or conditions on her 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:
   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 a minimum of 12 per year for the remainder of the five years.
   vi. Meet with Professional Board staff at quarterly intervals at staff discretion.
   vii. Submit investigative and attorney costs in the amount of $167.20 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. Comply with all laws, rules, standards, policies and procedures pertaining to the practice of nursing.
   xii. Abstain from the use of all mind-altering and potentially addicting drugs and alcohol, unless medically authorized.

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).

ORDER GRANTING PETITION - 3
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 __30th________ day of January, 2008

IDAHO STATE BOARD OF NURSING

By: __________________________
SUSAN ODOM, PhD, RN, Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of FEBRUARY, 2008, I caused to be served a true and correct copy of the foregoing ORDER GRANTING PETITION FOR REINSTATMENT 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: ________________
_____ 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: ________________
_____ Statehouse Mail

Ruth Goicoechea
3300 Park Avenue
Burley ID 83818

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

Dated this 1st day of FEBRUARY, 2008.

SANDRA EVANS, MAEd, RN,
Executive Director,
Idaho Board of Nursing