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

ELAINE HAGGARD
N-18047

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Elaine Haggard  
PO Box 190  
Lewisville ID 83431

Dear Ms. Haggard:

During their meeting on July 23-24, 2007, the Board of Nursing members took action to approve the Findings of Fact, Conclusions of Law and Final Order. Enclosed is a copy of the Final Order revoking your professional nurse license for a two (2) year period.

Please be advised that you may not practice nursing in the State of Idaho during the time your license is revoked. In accordance with IDAPA 23.01.01.120, you may apply for reinstatement two (2) years following revocation of license.

Sincerely,

[Signed]

SANDRA EVANS, MAEd, RN  
Executive Director

SE:Ihc  
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:  
ELAINE HAGGARD, 
License No. N-18047,  
Respondent. 

Case No. BON 07-007 
FINDINGS OF FACT, 
CONCLUSIONS OF LAW AND 
FINAL ORDER

Nursing\Haggard\P71591ka

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. Elaine Haggard (“Respondent”) has been licensed by the Idaho State Board of Nursing under License No. N-18047 to engage in the practice of nursing in the State of Idaho.

2. On or about January 18, 2007, the Board received a Report of Violation of the Nurse Practice Act concerning Respondent. The report indicates that:
   a. On December 6, 2006, Respondent’s employer, Mountain View Hospital in Idaho Falls, Idaho, was informed that during a December 1, 2006, new-hire drug screening test, Respondent had tested positive for THC metabolite. THC (tetrahydrocannabinol) is the principle psychoactive component in the hallucinogen, marijuana. Upon receiving this test result, Mountain View Hospital issued Respondent a written warning, placed Respondent on a leave of absence, and informed Respondent that before Mountain View Hospital would allow her to return to active employment she would have to: (1) provide proof of enrollment in a drug counseling program and (2) provide proof of a urine drug screen that tested negative for illegal substances. Mountain View Hospital also told Respondent that after returning to active employment she would be required to submit to random drug testing.
   b. On December 20, 2006, the Family Recovery Center—the drug counseling program that evaluated Respondent—found evidence that Respondent had
substance abuse problems (but not to the point of dependency). It also recommended that Respondent participate in an education class, individual therapy, and remain abstinent from alcohol and drugs. On December 27, 2006, Respondent submitted to a urine drug screen that yielded a negative test result.

c. On January 16, 2007, Mountain View Hospital notified Respondent while she was at work that she would need to submit to a random drug and alcohol test. Respondent’s breathalyzer test yielded a BAC of more than 0.20. Respondent then refused to take a second test, and Mountain View Hospital immediately suspended her. Respondent subsequently quit.

3. On March 29, 2007, Respondent voluntarily surrendered her license—admitting she had tested positive for THC metabolite—and agreed to immediately enter treatment and participate in a monitoring program. A true and correct copy of Respondent’s Voluntary Surrender of License is attached hereto as Exhibit A.

4. On June 5, 2007, the PRN (the monitoring program to which Respondent was referred) notified the Board that Respondent had failed to schedule an evaluation or otherwise participate in the program. A true and correct copy of the June 5, 2007, letter from PRN to the Board is attached hereto as Exhibit B.

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. N-18047 is conditioned upon her complying with the laws and rules of the Idaho State Board of Nursing.

3. Respondent habitually used alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs.

4. Respondent practiced nursing while her ability to practice was impaired by alcohol or drugs.

5. Respondent voluntarily surrendered her license and agreed to immediately enter treatment and participate in a monitoring program. 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, Idaho Code § 54-1413(1)(e) and Board Rules (IDAPA 23.01.01) 100.06 and 101.03.e.

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. N-18047 issued to Elaine Haggard is:

   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 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. 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 the 21st day of July, 2007.

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 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 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 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.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 4
RULE 132.04.
VOLUNTARY SURRENDER OF LICENSE

I, Elaine Haggard, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: UA (+) for THC

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 §54-1413(2)(a).

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 hereby voluntarily surrender license number and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132.04, I agree to enter treatment immediately, to participate in a monitoring program and to resume the practice of nursing only at such time as a conditional limited license has been issued to me.

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

DATED: 3/29/07

Signature of Licensee

Dated: 3/29/07
6/99-PRN

Address

City, State, Zip

Signature of Witness

Exhibit A
Page 01
June 5, 2007

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

RE: Elaine Haggard

Dear Ms. Evans,

This letter is being sent to notify you that as of June 5, 2007 Ms. Elaine Haggard, a Board of Nursing referral, has failed to comply with the requests of the PRN. Ms. Haggard was contacted via telephone on April 26, 2007 where she was instructed to schedule an evaluation with Art Phelps, LCSW, ACADC. She was further instructed to inform the PRN office of said appointment and to sign a release of confidential information prior to her scheduled meeting with Mr. Phelps. The PRN office has received no communication since that conversation of April 26, 2007. On May 24, 2007, a letter was sent to Ms. Haggard requesting that she contact this office (by telephone or U.S. mail) and inform the PRN whether or not she intends on participating in the program. As of this date, she has failed to contact the PRN office.

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,

[Signature]

Steven R. Hurst
Compliance Monitor

cc: Elaine Haggard

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Elaine Haggard
P.O. Box 190
Lewisville, ID 83431

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

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing