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

VICTORIA HARTWELL
PN-10928

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: VICTORIA HARTWELL, License No. PN-10928, Respondent. ) Case No. 04-076 COMPLAINT

To: Victoria Hartwell 3409 Sth Street Lewiston, ID 83501

1. The Idaho State Board of Nursing (hereinafter the "Board") is empowered by Idaho Code Section 54-1404 to regulate the practice of nursing in the State of Idaho.

2. Victoria Hartwell hereinafter "Respondent") is licensed to engage in the practice of nursing by the Idaho State Board of Nursing under License No. PN-10928.

3. On or about June 15, 2004 the Board received a Report of Violation of the Nursing Practice Act from Lewiston Rehabilitation and Care Center, Respondent's former employer. The report describes an incident that occurred at that facility on June 14, 2004. On that date Respondent reported for her afternoon shift and was observed to be unable to walk without weaving. The reporting party requested Respondent to submit to a voluntary alcohol breath test. The reading was 0.29, she was asked to wait 10-15 minutes to retest but left the facility a short time later without resubmitting to testing.
4.

On August 10, 2004 a Board staff member interviewed Respondent about the Report of Violation. Respondent admitted she had been drinking the night before but she did not believe she was under the influence when she reported for work. She agreed to submit to a drug alcohol evaluation and to provide that to the Board. As of December 21, 2004, Respondent has failed to submit to the Board selected evaluator or to provide the Board with an evaluation conducted by another licensed evaluator.

5.

Respondent failed to timely renew license, PN-10928, and it has lapsed effective September 1, 2004.

6.

Respondent’s conduct as set forth above if proven constitutes grounds for discipline as follows:

a) For violations of Idaho Code Section 54-1413 (1)(e) and IDAPA 23.01.01.100.06 - Habitually uses alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs;

b) For violations of Idaho Code Section 54-1413 (1)(g) and IDAPA 23.01.01.100.08 and 23.01.01.101.01 - Violates the law, or rules and standards of conduct and practice as may be adopted by the board;

c) For violations of IDAPA 23.01.01.101.03.e - The nurse shall not practice nursing while the ability to practice is impaired by alcohol or drugs or physical or mental or emotional disability; and,

7.

COMPLAINT - 2
Pursuant to Idaho Code Section 54-1413, the Board is authorized to enter an order suspending, revoking or otherwise disciplining Respondent’s license for Respondent’s violations of Idaho Code and the Board’s duly promulgated rules, as set forth above.

WHEREFORE, the Idaho State Board of Nursing prays for the following action:

1. That a hearing commence at a designated time to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board’s designated hearing officer;

2. That subsequent to taking evidence, the waiver of a hearing, or the failure of the Respondent to file an Answer to this administrative Complaint, that the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein and the Board shall determine whether the license of Respondent Victoria Hartwell should be suspended, revoked or otherwise disciplined pursuant to the statutory and regulatory authority of the Board of Nursing; and

3. For such other and further relief as the Board deems just and proper in the circumstances.

DATED this ___30TH___ day of ___DECEMBER___, 2004

IDAHO STATE BOARD OF NURSING

By: Sandra Evans, MAEd, RN
    Executive Director
NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a verified Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities if you fail to appear or otherwise defend at the hearing default will be entered against you.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Board at the following address:

Idaho State Board of Nursing
280 N. Eighth Street, Suite 210
P.O. Box 83720
Boise, ID 83720-0061
Telephone: (208) 334-3110
Facsimile: (208) 334-3262

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon legal counsel for the Board at the following address:

Cheri L. Bush
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010

COMPLAINT - 4
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30TH day of DECEMBER, 2004, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Cheri L. Bush
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

Victoria Hartwell
3409 5th Street
Lewiston, ID 83501

☒ 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
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

VICTORIA HARTWELL
License No. PN-10928
Respondent.

) Case No. BON 04-076
) NOTICE OF INTENT TO TAKE
) DEFAULT

The Idaho State Board of Nursing (hereinafter the "Board") received information from Lewiston Rehabilitation and Care Center that Victoria Hartwell (hereinafter Respondent) had come to work while impaired. The employer requested that Respondent submit to a voluntary alcohol breath test. She did so and the reading was 0.29; Respondent was to wait 10 to 15 minutes and retest. She instead left the facility without retaking the test. When Respondent was contacted by Board staff about the incident she stated she had been drinking heavily the night before but did not feel she was under the influence when she went to work. She agreed to undergo an drug alcohol evaluation and submit it to the Board. She has failed to do so. Respondent's actions of attempting to work while impaired are in violation of Idaho Code 54-1413 (1)(e) and (g) and IDAPA 23.01.01.100.06, and .08 and 23.01.01.101.01 and 03.e.

On December 30, 2004 the Board filed the formal Complaint against Respondent. The Complaint was sent to Respondent at her last address of record. The United States Post Office has not returned the Complaint marked as undeliverable. The Complaint advised Respondent that if she did not timely answer the Complaint or otherwise defend, default would be sought against her. Respondent's Answer was due no later than January 25, 2005. Default is appropriate pursuant to I.C. Section 67-5242.

THIS IS NOTICE OF THE INTENT TO TAKE DEFAULT AGAINST RESPONDENT AT THE NEXT REGULARLY SCHEDULED BOARD MEETING ON FEBRUARY 3, 2005.
THIS IS TO FURTHER ADVISE RESPONDENT THE DEFAULT SOUGHT WILL BE INDEFINITE SUSPENSION OR REVOCATION OF LICENSE PN-10928.

Respondent should contact the Board in writing via:

Vicky Goetsche, MBA, RN
Associate Director
P.O. Box 83720
Boise, ID 83720-0061
Fax (208) 334-3262

Respondent must also send a copy of any written contact to:

Cheri L. Bush, D.A.G.
Office of the Attorney General
Civil Litigation
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 334-2830

DATED this 27th day of January, 2005.

[Signature]
Sandra Evans, Executive Director
BOARD OF NURSING
CERTIFICATE OF SERVICE

I certify that on this 27th day of January, 2005, I caused to be served a true and correct copy of the foregoing NOTICE OF INTENT TO TAKE DEFAULT addressed as follows:

Victoria Hartwell
3409 5th Street
Lewiston, ID 83501

☐ U.S. Mail, postage prepaid
☒ Certified U.S. Mail, return receipt
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

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:
☒ Statehouse Mail

________________________________________
Sandra Evans
Executive Director
Board of Pharmacy
BEFORE THE IDAHO STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF:

VICTORIA HARTWELL

LICENSE NO. PN-10928

RESPONDENT.

CASE NO. 04-076

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND FINAL ORDER

Having reviewed the Complaint and other documents filed in this matter, the Idaho State Board of Nursing (hereinafter the "Board") enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Victoria Hartwell (hereinafter Respondent) is licensed by the Idaho State Board of Nursing under license No. PN-10928 to engage in the practice of nursing in the State of Idaho.

2. On or about June 15, 2004 the Board received a Report of Violation of the Nursing Practice Act from Lewiston Rehabilitation and Care Center, Respondent's former employer. The report describes an incident that occurred at that facility on June 14, 2004. On that date Respondent reported for her afternoon shift and was observed to be unable to walk without weaving. The reporting party requested Respondent to submit to a voluntary alcohol breath test. The reading was 0.29, she was then asked to wait 10-15 minutes to retest but left the facility a short time later without retesting.

3. On August 10, 2004 a Board staff member interviewed Respondent about the Report of Violation. Respondent admitted she had been drinking the night before but she did not believe she was under the influence when she reported for work. She agreed to submit to a drug alcohol evaluation and to provide that to the Board. To date she has not done so.
4. Respondent failed to timely renew her license, PN 10928, and it has lapsed effective September 1, 2004.

5. On December 30, 2004 the Board filed a formal Complaint against Respondent. The Complaint was sent to Respondent at her last address of record. The United States Post Office has not returned the Complaint marked as ‘undeliverable’.

6. On January 26, 2005 a Notice of Intent to Take Default was sent to Respondent at her last address of record.

7. Respondent failed to appear or otherwise defend at the hearing scheduled on February 3, 2005 and as advised in the Notice of Intent.

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 licensure, PN-10928, is conditioned upon her complying with all the laws, rules and regulations of the Idaho State Board of Nursing. Respondent’s actions as set forth above are in violation of Idaho Code Section 54-1413(1)(e) and (1)(g), IDAPA 23.01.01.100.06, and 100.08 and IDAPA 23.01.01.101.01, and .03.e, and hence constitute grounds for discipline.

3. Respondent’s acts as set forth above constitute violations of Idaho Code § 54-1413, thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code §§ 54-1413(3)(a) and 67-5242(4).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being show, it is hereby ordered that License No. PN-10928 issued to Victoria Hartwell, is hereby

\[
\text{\underline{Revoked}}
\]

\[
\text{\underline{Suspended indefinitely, effective immediately.}}
\]

DATED this \(3\) day of \(\text{February}\) 2005.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 2
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.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2005, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL 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: __________________
___ Statehouse Mail

Victoria Hartwell  
3409 5th Street  
Lewiston, ID 83501  

___ U.S. Mail, postage prepaid  
___ 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