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

MARY ANN ROGERS
N-21152

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: MARY ANN ROGERS,
Limited License No-21152,
Appeal of Termination of Limited License

Case No. BON 03-001

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Respondent, Mary Ann Rogers (hereinafter "Respondent") has appealed the termination of her limited license to practice nursing. The appeal came on for hearing before the Idaho State Board of Nursing (hereinafter "Board") during its regularly scheduled meeting at 3:00 p.m., Thursday, July 31, 2003. Respondent failed to appear as scheduled. Members of the Board present and participating in the hearing were Daniel Bauer, RN, Shirlie Meyer, RN, Analyn Frasure, LPN, Karen Ellis, RN, Claudeen Buettner, RN, Judy Hansen, LPN, Jill Howell, RN, Randall Hudspeth, RN, NP, and Sheri Florence, Consumer Member of the Board.

The Board, having reviewed the documents and correspondence contained in the administrative file in this matter, and good cause appearing therefore, hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT


2. Respondent was issued a limited license with conditions on June 12, 2002. The license was numbered N-21152. Respondent signed an "Acknowledgment of Limited License and Monitoring Conditions" on June 4, 2002. A copy of that
document is attached hereto as Exhibit A. Of specific interest is Item "P" of that form which prohibits the licensee from having access to or administering narcotics without the specific authorization of the Board.

3. Subsequently, on January 4, 2003, Respondent requested that the board remove the no access to narcotics restriction on her limited license, thereby authorizing her to access and administer narcotics.

4. The Board reviewed that request during its meeting of February 13 and 14, 2003. Following discussion, the Board denied the Respondent's request.

5. On or about May 6, 2003, the Board received information indicating that Respondent had access to and had administered narcotic medications, despite the "no narcotics" condition of her limited license.

6. Respondent was notified, in writing, of the termination of her limited license, number N-21152, on May 7, 2003. Respondent was asked to contact the Board office in order to request a hearing regarding the termination. Respondent did so and a hearing was duly scheduled and notice was provided.

7. Respondent did not attend the hearing and did not submit any documentary or other evidence for consideration by the board.

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 revoke, suspend, or amend any license issued pursuant to the act and to limit or restrict the practice of any licensee, if it determines that the licensee has engaged in behavior that constitutes grounds for

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER - 2
4. Violating the standards of conduct and practice is grounds for discipline. IDAPA 23.01.01.100.08.

5. The Board is authorized to withdraw a limited license, without prior notice or hearing, if the Board receives information or evidence that any of the conditions contained in an Acknowledgment or Limited License and Monitoring Conditions have been violated. IDAPA 23.01.01.132.

6. By accessing and administering narcotics on or about May 6, 2003, Respondent acted in violation of Item "P" of the Acknowledgment of Limited License and Monitoring Conditions form which she signed June 4, 2002 and the violation constituted sufficient grounds for the withdrawal of her limited license. The violation also constitutes sufficient grounds for the denial of Respondent's request for reinstatement.

ORDER

THEREFORE, it is hereby ordered that the withdrawal of Respondent's Limited License with Conditions, Number N-21152, be and is, AFFIRMED, and her request for reinstatement of licensure be and is DENIED.

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).

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 25th day of September, 2003.

IDAHO STATE BOARD OF NURSING

By: [Signature]

DANIEL BAUER, RN,
Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25TH day of September 2003, 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:

Mary Ann Rogers
425 South Johnson
Pocatello, ID 83204

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

Cheri 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

Kay C. Manweiler
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, MAEd, RN
Executive Director
Board of Nursing
ACKNOWLEDGMENT OF LIMITED LICENSE
AND MONITORING CONDITIONS

I ______ Mary Ann Rogers acknowledge that I have read and understand the following requirements. I acknowledge that I have been advised that a failure to comply with these requirements will be cause for the withdrawal of my limited license and/or denial of an application for reinstatement.

XX_a. Notify the Board of any change in my current address and telephone number within ten (10) days of that change.

XX_b. 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. May not accept employment in any other state unless expressly authorized by both states.

XX_c. Request my immediate supervisor to submit performance evaluations at the following intervals:
   ______ monthly ______ monthly x 3, then quarterly ______ 6 month intervals
   XX ______ monthly x 6, then quarterly ______ other

XX_d. Continue with psychiatrist until released, and request reports of mental health status be submitted at the following intervals:
   ______ monthly ______ monthly x 3, then quarterly ______ XX ______ 6 month intervals
   ______ monthly x 6, then quarterly ______ other

XX_e. Obtain and pay for random urine drug screens at the following intervals:
   ______ monthly ______ monthly x 3, then quarterly ______ XX ______ 6 month intervals
   ______ monthly x 6, then quarterly ______ other

XX_f. Meet with professional Board staff upon Board request.

XX_g. Submit self-evaluations at the following intervals:
   ______ monthly ______ monthly x 3, then quarterly ______ XX ______ 6 month intervals
   ______ monthly x 6, then quarterly ______ other

XX_h. Attend AA/NA meetings at least ______ times per week and submit signed cards ______ monthly to confirm attendance.

XX_i. Attend nurse support group meetings ______ times per week.

XX_j. Request 12-step sponsor to submit reports of progress at the following intervals:
   ______ monthly ______ monthly x 3, then quarterly ______ XX ______ 6 month intervals
   ______ monthly x 6, then quarterly ______ other

XX_k. Attend aftercare, until released, and request my counselor to submit reports of my progress at the following intervals:
   ______ monthly ______ monthly x 3, then quarterly ______ 6 month intervals
   ______ monthly x 6, then quarterly ______ other

XX_l. Comply with all laws, rules, standards, policies and procedures pertaining to the practice of nursing.

XX_m. Abstain from the use of all mind-altering and potentially addicting drugs and alcohol, unless medically authorized in which case, I will furnish a copy of the prescription to the Board and the National Confederation of Professional Services (NCPS).

XX_n. Submit reports by the 30th day of each month in which they are due and assure that any reports to be submitted by others are submitted by the 30th of each month in which they are due.

XX_o. Do not seek/accept employment in nursing in “high risk” settings, to include unsupervised night shifts/settings, surgery, until authorized by the Board of Nursing.

XX_p. No access to narcotics until authorized by the Board of Nursing.

I understand that IDAPA 23.01.01.132 permits the Board to withdraw my limited license, without prior notice or hearing, if the Board receives information or evidence that any of the conditions listed above, including the submission of reports in a timely manner, have been violated. If the Board withdraws my limited license, I understand that the license must be surrendered on demand.

I acknowledge that I have read and understand the conditions set forth above. I understand that any decision regarding the reinstatement of my license is a discretionary decision for the Board and that the Board may rely on factors other than those set forth in this document as grounds for the denial of a petition for reinstatement.

_________Mary Ann Rogers_________
Signature

425 Smith Johnson
Address
Pocatello, Idaho 83204
City, State, Zip Code

_____________June 4th, 2002_______
Date

208-478-2735
Telephone Number

Exhibit A

Acknowledge02.doc
Mary Ann Rogers
425 South Johnson
Pocatello, ID 83204
Mary Rogers
425 South Johnson
Pocatello ID 83204

Dear Ms. Rogers:

NOTICE OF TERMINATION OF LIMITED LICENSE

You are hereby notified that the limited license, number N-21152 issued under provisions in IDAPA 23.01.132.01, is terminated, effective immediately.

You are further notified that such action is deemed necessary in the interest of public health, safety and welfare due to failure to comply with the terms and conditions of limited licensure, by:

a. Failure to comply with Item “P” of the Acknowledgement of Limited License and Monitoring Conditions form signed June 4, 2002, by:

   1) Having access to and administering narcotic medication

You may request a hearing before the Board of Nursing regarding this termination by depositing in the mail within twenty-one (21) days after receipt of this notice, a certified letter addressed to the Board of Nursing and containing a request for a hearing.

If you fail to request a hearing, the Board of Nursing will affirm the Termination of Limited License and enter an Order of Denial of Licensure Reinstatement at the July 31-August 1, 2003 meeting.

Dated: May 7, 2003

SANDRA EVANS, MAEd, RN
Executive Director

SE:Jhc

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.
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**Total Paid:**

MARY ROGERS
425 S JOHNSON
POCATELLO ID 83204

5/9/03 + surface
Postmark Here
February 18, 2003

Mary Rogers
425 South Johnson
Pocatello Idaho 83204

Dear Ms. Rogers:

During their meeting on February 13-14, 2003, the members of the Board of Nursing reviewed your request for removal of the no access to narcotics restriction on your limited license. Following discussion, they took action to deny your request at this time.

Additional Board meetings during which you could submit your request have been scheduled for May 8-9, 2003, July 31-August 1, 2003, and November 13-14, 2003. Your request must be received at least thirty (30) days prior to the meeting date.

If you wish to discuss the Board’s decision, please contact me at the Board office.

Sincerely,

VICKY GOETTISCHE, MBA, RN
Associate Director

VG:lhc

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.