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

Julie Hillam

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: JULIE L. HILLAM, License No. N-16171, Respondent. Case No. BON 06-080

STIPULATION AND CONSENT ORDER

WHEREAS, information has been received by the Idaho State Board of Nursing (the “Board”) that constitutes sufficient grounds for the initiation of an administrative action against Julie L. Hillam (“Respondent’); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

A.2. The Board has issued License No. N-16171 to Respondent. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code and the Board’s rules at IDAPA 23.01.01, et seq.

A.3. Respondent suffers from chronic back pain. In 2006, she advised her then employer, a surgical center, of her medical issues and that she was taking prescribed medications including without limitation Effexor and Celebrex.

A.4. In approximately September 2006, Respondent obtained an expired Toradol IV vial and Phenergan from the surgical center. Respondent states that this was consistent with her understanding that the surgical center permitted its employees to use expired prescriptive, non-narcotic medications as marked and kept on an open counter. Respondent ultimately injected herself with these drugs in November 2006 to help her
sleep. At the time, Respondent lacked a current prescription for the Phenergan IV, although she had received and had a current prescription to use oral Phenergan in conjunction with Effexor.

A.5. On December 1, 2006, while working in the surgical center's post-anesthesia care unit, Respondent became ill, incapacitated, and unable to work. A surgical center physician started Respondent on Zofran IV and Toradol IV. Respondent then was discharged home in her husband's care. The definitive cause of Respondent's illness is unknown. However, at the time Respondent was using P.O. Phenergan and Effexor, was two weeks post hysterectomy, and claims she was recovering from the flu and that she also suffered a back spasm.

A.6. On December 5, 2006, Respondent arrived to the surgical center with multiple bruises on her wrists and forearms. Respondent told other surgical center nurses that the bruises formed because she had taken home from the surgical center outdated Toradol and Phenergan IV and had injected the Toradol and Phenergan to ease her pain. Respondent also stated that she was concurrently using Phenergan IV and prescribed Effexor. Respondent lacked a current, written prescription authorizing her to use Toradol IV or IV Phenergan. A nurse offered to obtain, and did obtain, an order from a physician allowing Respondent to be injected with Zofran IM, and Respondent then received a 4 mg injection of Zofran.

A.7. On December 7, 2006 while Respondent was at work, the surgical center's nursing management met with Respondent to discuss Respondent's health, back pain and what management perceived to be Respondent's erratic work behavior. Management then required Respondent to undergo a drug screen, placed her on leave pending the drug screen results, and reported her to the Board. Respondent advised management that she was taking prescription medications, including Lortab, that would result in a positive drug test.

A.8. On December 11, 2006, Respondent faxed a letter to the DON stating that
Respondent had taken a 30 mg. vial of Phenergan IV from the Surgical Center and that at her request her husband had injected her with the drug. Respondent lacked a current prescription authorizing her to use the Phenergan IV.

A.9. On or about December 13, 2006, the Surgical Center received Respondent’s drug screen results. The drug screen was positive for hydrocodone.

A.10. Respondent resigned from the Surgical Center on or about December 14, 2006.

A.11. On December 26, 2006, Respondent admitted to the Board’s Investigator that she had taken from the surgical center and administered to herself expired Toradol IV and Phenergan, consistent with her understanding of surgical center policy.

A.12. On December 27, 2006, Respondent left a voice message for the DON stating “the Phenergan and Toradol events were only a couple of times each, even though I told the state board about one time of each. Telling them of anymore will only hurt people who were trying to help me.”

A.13. On January 11, 2007, Respondent admitted to the Board’s Investigator that in addition to self-administering the Toradol IV, Respondent also had given herself a Toradol IM injection in approximately August 2005, although on verbal order of a physician.

A.14. The allegations of Paragraphs A.3 through A.13, if proven, would violate the laws and rules governing the practice of nursing and would be grounds for discipline under Idaho Code § 54-1413(1)(g) (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice). The laws and rules that Respondent violated include:

a. Board Rule 101.03.e (a nurse shall not practice while the ability to practice is impaired by alcohol or drugs or physical, mental or emotional disability); and

b. 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).
A.15. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

B. Waiver of Procedural Rights

I, Julie L. Hillam, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board as stated in Section A, above, and I agree that the Board has jurisdiction to proceed in this matter.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. A reprimand is issued by the Board.

C.2. Within sixty (60) days of entry of the Board’s Order, Respondent shall pay the actual costs of investigation and attorney fees incurred by the Board in bringing this action in a sum to be determined, but not to exceed Five Hundred and No/100 Dollars ($500.00).

C.3. Within thirty (30) days of entry of the Board’s Order, Respondent shall provide to the Board a written pain plan that has been approved by Respondent’s medical doctor with whom Respondent has consulted regarding pain management.

C.4. Respondent shall be placed upon probation immediately upon entry of the
Board’s Order for a period of a minimum of eighteen (18) months. The conditions of probation shall include the following requirements:

a. Respondent shall provide a copy of this Stipulation and Consent Order to her employer. Respondent’s employer shall provide to the Board reports concerning Respondent’s performance monthly for six months, then quarterly for the following 12 months.

b. During the first ninety (90) days of Respondent’s probation period, Respondent shall not provide direct patient care or have direct patient care responsibilities, including without limitation access to and administration of medications.

c. Respondent shall provide to the Board a quarterly report from her medical doctor regarding Respondent’s compliance with her pain plan and her ability to safely practice as a nurse.

d. Respondent shall comply with all the laws and rules of the Board of Nursing.

e. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

C.5. Once Respondent has satisfactorily completed the 18-month probationary period, the Board shall determine at its next regularly scheduled meeting whether to release Respondent from probation or whether additional measures, including but not limited to continuing probation, are necessary to ensure that Respondent is able to safely practice nursing.

C.6. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.7. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.
D. Presentation of Stipulation to Board

D.1. The Board’s prosecutor shall present this Stipulation to the Board with a recommendation for approval. During the presentation the prosecutor may discuss and provide to the Board with such materials and information as he may deem appropriate in his discretion.

D.2. The Board may accept, modify with Respondent’s approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board’s impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent’s waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Board’s staff shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The staff shall also serve notice of the hearing and charges to Respondent and to Respondent’s attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a
timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, Respondent (to the extent Respondent has not admitted the allegations) and the Board may submit evidence and present oral argument in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order.

c. If a violation is proven, then the Board may impose additional discipline, which may include the suspension or revocation of Respondent’s license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent’s practice.

F. Other Provisions

F.1. This Stipulation and Consent Order resolves a contested case and is a publicly available record under the Idaho Public Records Act. It constitutes a restriction on Respondent’s license, and it and/or information related to it may be published on the Board’s web page and may be disclosed to programs, agencies, entities, or data banks such as the federal Healthcare Integrity and Protection Data Bank.

F.2. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it

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STIPULATION AND CONSENT ORDER - 7
will be of no effect.
Dated this 12th day of May, 2008.

Julie L. Hiltunen
Respondent

Approved as to form.
Dated this 21st day of May, 2008.

Hawley, Troxell, Banks
& Hawley, LLP
By
Joseph D. McCallum, Jr.
Of Attorneys for Respondent

I recommend that the Board enter an Order based upon this stipulation.
Dated this 22nd day of May, 2008.

State of Idaho
Office of the Attorney General
By:
Kurt F. Knies
Deputy Attorney General

STIPULATION AND CONSENT ORDER - 8
ORDER

Pursuant to Idaho Code § 54-1404, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 20th day of ______, 2008. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By

Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6TH day of MAY, 2008, I caused to be served a true and correct copy of the foregoing by the following method to:

Julie L. Hillam
330 W. 200 N.
Blackfoot, ID 83221
☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ______________________
☐ Statehouse Mail

Joseph D. McCollum, Jr.
HAWLEY, TROXELL, ENNIS & HAWLEY
P.O. Box 1617
Boise, ID 83701-1617
☒ 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

STIPULATION AND CONSENT ORDER - 10
RULE 132
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

1. Julie Wilson, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: diverted drugs (Versed and other narcotics) from place of employment for purpose of attempted suicide. Currently experiencing high level of emotional and physical challenges. Have appointment with Psychiatrist 8/6/20.

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 surrender pursuant to Title 67, Idaho Code.

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 N-33330: 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 Aug. 2, 2009

Signature of Licensee

330 West 200 North

Address

Blackfoot, ID. 83201

City, State, Zip

Signature of Witness

DATED August 2nd, 2009

Revised 1008 – PRN

EXHIBIT B
IDaho BOrAD of nursing
PO BOX 83720
BOISE, IDAHO 83720-0061
(208) 334-3110

2009-2011

state of Idaho
Board of nursing
This is to certify that:

JULIE HILLAM
330 W 200 N
BLACKFOOT, ID 83221

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

JULIE HILLAM

Valid when signed by licensee.

License number
N-16171
Expires: August 31, 2011

BY
DATE
06/15/2009

PLEASE KEEP THE BOARD
INFORMED OF NAME AND
ADDRESS CHANGES.

RECEIPT NO. 04974

IDaho Board of nursing
PROBATION

This is to certify that:

JULIE HILLAM
330 W 200 N
BLACKFOOT, ID 83221

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

JULIE HILLAM

Valid when signed by licensee.

License number
N-16171
Expires: August 31, 2009

RECEIPT
90.00 RENEWAL
125.00 REINSTATEMENT
25.00 TEMP LIC
110.00 ENDORSEMENT
90.00 RN EXAM
75.00 PN EXAM
10.00 DUPLICATE

RECIPT NO. 04974