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

MARLENE HULSE
N-22881
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of: ) Case No. 96-59

Marlene Brown Hulse, ) FINDINGS OF FACT,
License No. N-22881, ) CONCLUSIONS OF LAW,
) AND FINAL ORDER
Respondent. )

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho Board of Nursing (hereinafter the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Marlene Hulse ("Respondent") is a duly licensed nurse in the State of Idaho holding License No. N-22881.

2. On or about August 6, 1996, the Board received a telephone call from the licensee self-reporting that she was in in-patient treatment, was an alcoholic and had written her own prescriptions for hydrocodone. A true and correct copy of the telephone conversation is attached hereto as Exhibit 1.

3. On or about September 6, 1996, Respondent voluntarily surrendered her license, admitting to violations of the Nursing Practice Act. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 2.

4. Respondent was issued a limited license on February 10, 1997 following recommendation of the Program for Recovering Nurses (PRN) Program Coordinator. The limited license was withdrawn on December 30, 1998, for failure to abstain from all mind-altering chemicals. A true and correct copy of the Notice of Withdrawal is attached hereto as Exhibit 3.
5. Respondent met with the Advisory Committee of the Program for Recovering Nurses and was granted re-enrollment in the program.

6. Respondent was issued a limited license on April 6, 1999, following recommendation of the PRN Program Coordinator. The limited license was withdrawn on September 13, 2001, for failure to provide documentation to account for a positive drug screen and having submitted a letter requesting to withdraw from the program. A true and correct copy of the Notice of Withdrawal is attached hereto as Exhibit 4.

7. Following their regular meeting on October 19, 2001, the PRN Advisory Committee issued a Report of Non-Compliance. A true and correct copy of the Report of Non-Compliance is attached hereto as Exhibit 5.

8. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

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, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Nursing Practice Act and Rules and constitute grounds for revocation or suspension of Respondent’s license to practice nursing pursuant to Idaho Code § 54-1413 (1) (e); 23.01.01.100.06.

3. Respondent’s voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent’s license without further process pursuant to Idaho Code § 54-1413(2).
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that Nursing License No. N-22881 issued to Respondent Marlene Brown Hulse is

✓ Revoked

Suspended ____ days/year(s) ____ indefinitely

based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that she present the following information to the Board with her application for reinstatement:

1. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

2. Documentation that she is rehabilitated and competent to practice nursing by submitting:

   a. A comprehensive drug/alcohol evaluation completed by a qualified mental health care provider at the time of application for reinstatement;
   
   b. A detailed summary of employment since licensure revocation or suspension;
   
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and

3. Evidence of financial compliance with NCPS and the Program for Recovering Nurses.
The Board reserves the right to assess investigative costs and attorney's fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 8th day of November, 2001.

IDAHO BOARD OF NURSING

By Charles Moseley, CRNA
Chair

Charles Moseley, CRNA
Chair
NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLELY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

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 Board 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 Board 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.

If respondent’s license was revoked, then pursuant to Board Rule 121, Respondent may apply to the Board for reinstatement one (1) year after the execution of this Order. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

If respondent’s license was suspended, then pursuant to Board Rule 120, Respondent may apply to the Board within a reasonable time after the execution of this Order, or as specified by the term of suspension. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November 2001, 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:

Marlene Hulse
955 Airport Road
Blackfoot, ID 83221

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

Sandra Evans, M.A.Ed., R.N.
Executive Director
August 26, 1996

Telephone call from Marlene Hulse, RN (License #N-22881) from the Walker Center where she is in in-patient treatment for chemical addiction. Marlene explained that she is alcoholic and wrote her own prescriptions for hydrocodone. She was arrested by the police and criminal charges are pending; court date is set for 9/16/96.

Marlene was admitted to the Walker Center on August 12 with plans to be discharged on September 2, 1996. She was terminated/chose to resign from Idaho Falls Surgical Center where she was employed at the time.

She requested information on the PIN indicating she was agreeing to voluntary surrender her license and be monitored through the program. She was told she would be sent:

--Voluntary Surrender statement form
--Program information
--Direction on how to contact John Southworth

Information can be sent to her at the Walker Center, 1120A Montana Street, Gooding, ID 83330.

S. Evans
I, Marlene Brown Hulsee, admit that:

I used prescription drugs while practicing as a Registered Nurse.

I understand and acknowledge that the admitted facts constitute grounds for disciplinary action under Section 54-1412, of the Nursing Practice Act, IDAHO CODE.

I hereby voluntarily surrender license number N-22881 and I shall forthwith discontinue the practice of nursing in Idaho.

I hereby waive the right to a hearing concerning the foregoing admitted facts, and waive my rights under the provisions related to contested cases in the Administrative Procedures Act, Chapter 52, Title 67, IDAHO CODE.

Dated: 9/4/94

Signature of Licensee

Signature of Witness

EXHIBIT NO: 2
TO: Marlene Hulse  
955 Airport Road  
Blackfoot ID  83221  

NOTICE OF WITHDRAWAL OF CONDITIONAL LIMITED LICENSE  

You are hereby notified that the conditional limited license, number N-22881, issued under provisions in IDAPA 23.01.132. is withdrawn, 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 conditional limited licensure, by:  

a. Failing to abstain from all mind-altering chemicals as provided for in the Contract signed May 19, 1997.  

Your file will be referred to the Advisory Committee for the Program for Recovering Nurses for re-evaluation on February 12, 1999. You may request to meet with the Committee during their meeting by contacting Linda Coley, Administrative Assistant, (208) 334-3110 ext 25 to request an appointment time. Failure to respond may result in the issuance of a Report of Non-Compliance being filed with the Board with a recommendation of licensure revocation.  

Dated: December 30, 1998  

SANDRA EVANS, MAEd,  
Executive Director  

LD: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.
December 28, 1998

Sandra Evans
Board of Nursing
P.O. Box 83720
Boise, ID 83720-0061

RE: Marlene Hulse

Dear Ms. Evans,

As a result of a confirmed positive UA screen for cannabinoids (marijuana) on December 22nd, we must report Ms. Hulse to the Board of Nursing for further disciplinary action. Enclosed is a copy of the positive UA screen from NCPS. On June 2, 1998, she also had a self-reported slip for using marijuana.

In reviewing her file, it came to our attention that in October, she had a very high positive for hydrocodone/ hydromorphone, which was confirmed by the Medical Review Officer as negative because she provided a prescription for this. However, hydrocodone is Ms. Hulse’s primary drug of choice.

We will no longer be able to advocate for her due to non-compliance with her PRN contract, as a result of this positive UA.

Also, to continue in the program she must follow the PRN recommendations after being re-evaluated by a provider, approved by the PRN.

If you have any further questions or concerns, please feel free to contact me.

Sincerely,

John Southworth, CADC
PRN Coordinator
(208) 891-4726 cellular
(800) 729-0533 pager

cc: Marlene Hulse
Douglas Radford (State Hospital South)
Boyd Anderson (Road to Recovery)
An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
Drug Profile 764888

<table>
<thead>
<tr>
<th>DRUG</th>
<th>RESULT</th>
<th>SCREEN LIMIT</th>
<th>CONFIRM LIMIT</th>
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<tbody>
<tr>
<td>Ethanol</td>
<td>NEGATIVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphetamine</td>
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<tr>
<td>Barbiturate</td>
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<td>200</td>
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<td>Benzodiazepines</td>
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<td>200</td>
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<td>Cannabinoid</td>
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<tr>
<td>THC GC/MS Conf</td>
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<td>ng/mL</td>
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</tr>
<tr>
<td>Cocaine (Metabolite)</td>
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</tr>
<tr>
<td>Opiates</td>
<td>NEGATIVE</td>
<td>300</td>
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</tr>
<tr>
<td>Oxycodone</td>
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</tr>
<tr>
<td>Phencyclidine</td>
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<td>Methadone</td>
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<tr>
<td>Propoxyphene</td>
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<tr>
<td>Creatinine</td>
<td>21</td>
<td>MG/DL</td>
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</table>

Effective 12/1/98, LabCorp will make a change to the "DUI NIDA" and "DUI NIDA-Like" panels. This change will ensure compliance with the directive received from the Department of Health and Human Services. In summary, this change will include initial testing (screening) cutoff for opiates at 2000 ng/mL (currently 300 ng/mL), with confirmation (GC/MS) cutoff at 2000 ng/mL (currently 300 ng/mL for codeine and 300 ng/mL for morphine). One additional change will take place if morphine is equal to or greater than 2000 ng/mL, the laboratory will automatically conduct the analysis for 6-acetyl morphine at a cutoff of 10 ng/mL. There will be no additional charge associated with these changes.

Lab: UI LabCorp Compuchen RTP
Director: P Childs, PhD, D-ABFT
1904 Alexander Drive, RTP, NC 27710-0000

Director: P Childs, PhD, D-ABFT
If you have any questions contact - Branch: 757-420-2063 Lab: 800-833-3984
Last page of report

©1998 Laboratory Corporation of America® Hold

Results are flagged in accordance with age dependent reference ranges.
BOARD OF NURSING — State of Idaho

PO Box 83720 (Mailing) 280 North 8th Street, Suite 210
Boise, Idaho 83720-0061
(208) 334-3110
Fax (208) 334-3262
TDD - 1-800-377-3529

CERTIFIED MAIL

Marlene Hulse
955 Airport Road
Blackfoot Idaho 83221

Dear Ms. Hulse:

NOTICE OF WITHDRAWAL OF LIMITED LICENSE

You are hereby notified that the limited license, number N-22881, issued under provisions in IDAPA 23.01.132. is withdrawn, 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 maintain full compliance with the terms of your contract with the Program for Recovering Nurses by failing to provide documentation to account for a positive urine drug screen (propoxyphene) on August 28, 2001.
b. Submission of a letter to the Program Coordinator requesting to withdraw from the monitoring program.

Your file will be referred to the Advisory Committee for the Program for Recovering Nurses for re-evaluation on October 19, 2001. You may request to meet with the Committee during their meeting by contacting Linda Coley, Management Assistant, (208) 334-3110 ext. 25 by October 1, 2001, to request an appointment time. In the meantime, you may not be employed as a licensed nurse in the State of Idaho until you have once again been approved for a limited license.

Dated: September 13, 2001

SANDRA EVANS, MAEd, RN
Executive Director

EXHIBIT NO: 4

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.
September 11, 2001

Sandra Evans  
Board of Nursing  
P.O. Box 83720  
Boise, ID 83720-0061  

RE: Marlene Hulse

Dear Ms. Evans,

This letter is being written to inform you that Ms. Hulse is out of compliance with her PRN contract, and we are not advocating for her at this time.

On September 4, we were notified by NCPS that Ms. Hulse's urinalysis test from August 28 had tested positive for Propoxyphene. This test was subsequently sent to the Medical Review Officer. Because Ms. Hulse had recently undergone a medical procedure and did not provide PRN with any documentation of medication used, she was asked by the Medical Review Officer on September 4 to provide them with documentation of any medications that were involved with this procedure. On September 11, we were notified by the Medical Review Officer that Ms. Hulse still had not provided the documentation needed to clear the test, and it was therefore failed. A copy of the positive test and Medical Review Officer confirmation is included with this letter.

Also, on September 5, we received a note from Ms. Hulse stating that she is withdrawing from the PRN program because the program requirements are more than she wants to continue with for her nursing career. A copy of this note from Ms. Hulse is enclosed with this letter. Because Ms. Hulse has a current limited license from the Board of Nursing, it is our responsibility to report Ms. Hulse's announced withdrawal to the Board of Nursing.

Because Ms. Hulse has chosen to withdraw from the PRN program and because the positive UA test from August 28 has been failed by the Medical Review Officer, Ms. Hulse is out of compliance with her PRN contract, and we are turning her over to the Idaho State Board of Nursing at this time.

If you have any questions or concerns, feel free to contact me or the PRN office.

Sincerely,

[Signature]

John Southworth, CADC, AIS  
PRN Coordinator  
(208) 891-4726 cellular  
(800) 386-1695 toll free

cc: Marlene Hulse

JS:tb

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
CHAIN-OF-CUSTODY PROTOCOL PERFORMED

<table>
<thead>
<tr>
<th>TEST</th>
<th>RESULT</th>
<th>LIMITS</th>
</tr>
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<td>Ethanol</td>
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<tr>
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<td>Barbiturates</td>
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<td>Methadone</td>
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</tr>
<tr>
<td>Propoxyphene or Metabolite</td>
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<td>Propoxyphene or Met. GC/MS</td>
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SCREEN

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<th>(ng/mL)</th>
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<td>Cutoff</td>
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LAB: UI LABCORP COMPUCHEM RTP
DIRECTOR: P. CHILDS, PHD, D-ABFT
1904 ALEXANDER DRIVE RTP, NC 27709-6000

IF YOU HAVE ANY QUESTIONS CONTACT - BRANCH: 757-428-2883 LAB: 919-572-6900
LAST PAGE OF REPORT

RECEIVED
SEP 04 2001
CONFIDENTIAL

MEDICAL REVIEW OFFICER
DRUG TEST DETERMINATION OFFICER

Part 1:

Laboratory: Laboratory Corporation of America
1904 Alexander Drive
RTP, NC 27709

Donor ID#: 05-1000
Specimen #: 2417435101-0

MRO: Thomas Barry Eschen, M.D.
Date of Specimen: 8-28-01

Part 2:

Urine drug test results from the laboratory.

The specimen identified in Part 1 was positive for the following drugs/metabolites:

1. Propoxyphene Level: 815
2. _____________________________________ Level:
3. _____________________________________ Level:

Part 3:

I have reviewed the test results above in accordance with industry accepted standards and my final determination is:

Drug #1 Clear Fail
Drug #2 Clear Fail
Drug #3 Clear Fail

Notes:

Participant Contacted: Yes - No
Test Confirmed: Yes - No
Prescription: Yes - No
Collection: Yes - No

COC: Yes - No
Creatinine: 38.8
Specific Gravity: 1.012

Comments:
Donor failed to provide needed information to me at time of investigation. Did not provide
information to NCPS/DOT at time of investigation.

Denies pain med use positively... Medical history
use while in patient. Multiple references may
left. Donor spoke with Dr. R.M. and refused to
withdraw from program.

Ginger Meeker, R.N.
Date: 9-10-01

Thomas Barry Eschen, M.D.
Date: 9-11-01

If this is not the correct recipient for this information,
Please notify us immediately at 201-343-5203 and destroy the information.
TO: SANDRA EVANS, MAEd, RN
   Executive Director
   Idaho Board of Nursing

FROM: Karen Ellis, RN, Chairperson
      Program for Recovering Nurses

DATE: October 19, 2001

The file of Marlene Hulse was reviewed at the Advisory Committee meeting on October 19, 2001, and found to be in non-compliance of recommendations because of the following:

   Failure to comply with all terms and conditions of the Contract for Monitoring

The Committee made the following recommendation(s):

   Refer to Board for disciplinary action.

File reviewed by Executive Director:

   Signature

   Date

Action Recommended to Board: Revoke license based on voluntary surrender

An Alternative to Disciplinary Action Program offered by the Idaho Board of Nursing

EXHIBIT NO: 5