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

CAROLYN JACKSON
N-17514

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: )  
)  
CAROLYN JACKSON  )  
License No. N-17514, )  
)  
Respondent.)  

CASE NO. 05-086

ORDER ON PETITION FOR  
RECONSIDERATION

Respondent Carolyn Jackson has petitioned the Idaho State Board of Nursing (Board) for reconsideration of its decision revoking her nursing license numbered N-17514. The matter came on for hearing before the Board during its regularly scheduled meeting of July 27, 2006. The Board, having listened to the testimony of Respondent, and good cause appearing therefore, hereby enters the following Order on Petition for Reconsideration.

PROCEDURAL BACKGROUND

1. Respondent herein was licensed to engage in the practice of nursing by the Idaho State Board of Nursing on July 26, 1985. Respondent was issued nursing license number N-17514.

2. Following a hearing scheduled to take place on April 27, 2006, at which Respondent did not appear, the Board entered Findings of Fact, Conclusions of Law and an Order revoking Respondent’s license to practice nursing.

3. The order of revocation was based on the Board’s finding that, at the time of her May 6, 2005, on-line application for renewal, Respondent failed to disclose pending disciplinary proceedings in the state of Montana and, following issuance of the renewal, failed to report the disciplinary action taken against her license by the Montana nursing board.

4. On July 5, 2006, Respondent filed a petition for reconsideration of the order of revocation on the basis of new evidence with relevance to the Board’s decision-making process. Specifically, she testified that although she had been the subject of a probationary agreement in the state of Montana, the terms of that probation had been satisfied and that her license to practice in Montana had been reinstated to good standing.

FACTS

1. During the hearing on her petition for reconsideration, Respondent admitted that she had failed to disclose information concerning the Montana proceedings on her on-line application
2. Respondent testified that she had been a nurse for more than twenty years and that, other than the Montana discipline, had never had any disciplinary charges raised against her.

3. With regard to her current licensure status, Respondent testified that she was currently licensed and in good standing in the states of Nevada, where she is currently practicing, and Montana, now that the terms of her discipline have been satisfied.

4. Respondent indicated that she could provide documentation of her licensure status in Montana and that she would do so within a few days of the proceeding.

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. An individual may petition for reconsideration of any final order of the board on the grounds of newly available evidence relevant to the issue. IDAPA 23.01.01.165.01.a.

3. Based upon evidence submitted for reconsideration, the Board may reaffirm, stay, withdraw, reverse, modify or amend the prior order. IDAPA 23.01.01.165.04.

ORDER

WHEREFORE, Based upon the Respondent’s admission regarding her failure to report, her admission concerning the Montana disciplinary action and her testimony regarding her previous practice record and the satisfactory completion of her probation in Montana, as well as the subsequent reinstatement of her Montana license, and good cause being shown, IT IS HEREBY ORDERED and this does ORDER that, upon receipt of satisfactory documentation from the Montana State Board of Nursing, evidencing the reinstatement of Respondent’s Montana license to practice in good standing, the Board’s previous Findings of Fact,
Conclusions of Law, and Order revoking Respondent's license to practice nursing, numbered N-17514, be WITHDRAWN and Respondent's license to practice nursing, numbered N-17514, be REINSTATED in good standing.

DATED this 6th day of September, 2006.

IDAHO STATE BOARD OF NURSING

[Signature]

SUSAN ODOM
Chairman.

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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September, 2006, I caused to be served a true and correct copy of the foregoing ORDER ON PETITION FOR RECONSIDERATION, via certified U.S. Mail, postage prepaid, return receipt requested, and addressed to Carolyn Jackson, 734 Mountain View Circle, Salmon, ID 83467 with a copy to her attorney of record, Andrew Brassey, Brassey Wetherell Crawford & Garrett, LLP, P. O. Box 1009, Boise, ID 83702-1009.

SANDRA EVANS, M.A.Ed., R.N.
Executive Director
Board of Nursing

[Signature]

SENDOR: COMPLETE THIS SECTION

1. Article Addressed to:

2. Article Number
   (Transfer from service label) 7003 0500 0003 1890 1465

PS Form 3811, February 2004
Domestic Return Receipt
10289-02-04-1940

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Endorsed by (Printed Name) Deb Wessel

C. Date of Delivery 9/15/06

D. Is delivery address different from Item 1?
   Yes
   No
August 21, 2006

CAROLYN JACKSON
734 MTN VIEW CIRCLE
SALMON ID 83467

Re: Complaint #2005-015-NUR, Carolyn Jackson

Dear Ms. Jackson:

Your letter of May 19th, 2006 requesting removal of your second year of probation went before the Full Board of Nursing on July 20, 2006. The Full Board granted lifting the final year of Probation.

Enclosed is your Active license without the designation on it. Please return your probationary license to the Board office no later than August 28, 2006.

Good luck in your future nursing practice. If you have any questions, feel free to call our office (406) 841-2344.

Sincerely,

Joan Bowers
Compliance Specialist
Montana Board of Nursing

/cc: Joyce Hemmer
Attorney
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

CAROLYN JACKSON,
License No. N-17514,
Respondent.

Case No. 05-086

NOTICE OF HEARING

To: Carolyn Jackson
734 Mountain View Circle
Salmon, ID 83467

Pursuant to the provisions of title 54, chapter 14, Idaho Code, and the duly promulgated rules of the Idaho State Board of Nursing, you are hereby notified and requested to appear before the Board on the 27th day of July, 2006, at 1:30 p.m. (MST) at the Doubletree Club, Parkcenter Room, 475 W. Parkcenter Boulevard, Boise, ID 83706 and from time to time thereafter as may be required by the Board, on whether or not your license should be disciplined as set forth in the Complaint filed against you.

You are further notified that you may appear with or without the assistance of an attorney on the day, time and place specified in this Notice of Hearing and present testimony with respect to the above noted issues.

All persons requiring assistance pursuant to the Americans with Disabilities Act in order to participate in or understand the hearing must request such assistance ten (10) days in advance of the hearing by contacting the Board Office at the number or address listed below.

The hearing will be conducted pursuant to the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01. Copies of the Administrative Procedure Act and the Idaho Rules of Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.
All original official documents must be filed with the Idaho State Board of Nursing, 280 North 8th Street, Suite 210, Boise, ID 83720-0061; telephone (208) 334-3110; FAX (208) 334-3262 no later than July 24, 2006, at 5:00 p.m. A copy must be sent to:

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

DATED this 19 day of July, 2006.

IDAHO STATE BOARD OF NURSING

By ________________
SANDRA EVANS, M.A.Ed., R.N.
Executive Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of JULY, 2006
I caused to be served a true and correct copy of the foregoing NOTICE OF HEARING
addressed as follows:

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

Carolyn Jackson
734 Mountain View Circle
Salmon, ID 83467

Andrew C. Brassey, Esq.
BRASSEY, WETHERELL, CRAWFORD
& GARRETT, L.L.P.
203 W. Main Street
P.O. Box 1009
Boise, Idaho 83701-1009
208-344-7300

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☐ Statehouse Mail

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☐ Statehouse Mail

☐ 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
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

CAROLYN JACKSON,
License No. N-17514,
Respondent.

Case No. 05-086

MOTION FOR RECONSIDERATION

COMES NOW Carolyn Jackson by and through her counsel of record, Brassey, Wetherell, Crawford & Garrett, and files this, her Motion for Reconsideration asking that the Board of Nursing reconsider its Finding of Facts, Conclusions of Law, and Final Order signed by the chairman on June 20, 2006, and would respectfully show the following:

1. It is the undersigned’s belief and understanding that Ms. Jackson received the Findings of Fact, Conclusions of Law, and Final Order on Monday, July 3, 2006. The undersigned counsel received the Findings of Facts, Conclusions of Law, and Final Order signed by Randall Hudspeth today, July 6, 2006.

2. On behalf of Carolyn Jackson, the undersigned respectfully requests that she be allowed to supplement this Motion for Reconsideration to set forth with specificity the grounds for

MOTION FOR RECONSIDERATION - 1
said Motion. The grounds will include, among other things, the fact that Ms. Jackson did not have
an opportunity to appear and respond to the Complaint and Statement of Charges.

Respectfully submitted.

DATED this 6th day of July, 2006.

BRASSEY WETHERELL, CRAWFORD & GARRETT

By

Andrew C. Brassey
Of the Firm
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2006, I served a true and correct copy
of the foregoing MOTION FOR RECONSIDERATION upon each of the following individuals by
causing the same to be delivered by the method and to the addresses indicated below:

Idaho State Board of Nursing
675 W. Center Drive
Boise, Idaho 83702

Karl T. Klein
Deputy Attorney General
Civil Litigation Division
Statehouse, Room 210
P.O. Box 83720
Boise, Idaho 83720-0010

Kay Christensen
Deputy Attorney General
Contracts & Administrative Law
Statehouse, Room 114
P.O. Box 83720
Boise, Idaho 83720-0010

U.S. Mail, postage prepaid
Hand-Delivered
Overnight Mail
Facsimile (208) 334-3262

U.S. Mail, postage prepaid
Hand-Delivered
Overnight Mail
Facsimile (208) 334-2830

U.S. Mail, postage prepaid
Hand-Delivered
Overnight Mail
Facsimile (208) 334-3107

Andrew C. Brassey

MOTION FOR RECONSIDERATION - 2
FACSIMILE COVER SHEET

Total Pages Including Cover Sheet: 3

Date: July 6, 2006

To: Idaho State Board of Nursing
c/o Randall Hudspeth
280 North Eighth Street
Boise, Idaho 83702

Fax No.: 334-3262

From: Andrew C. Brassey

Re: Carolyn Jackson
License No. N-17514

Message: Please see attached Motion for Reconsideration.

COPY WILL ______ WILL NOT ______ XX FOLLOW BY U.S. MAIL

If you have any problems with this transmission, please call (208) 344-7300 and ask for Christa.

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contain information belonging to Brassey, Wetherell, Crawford & Garrett which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us. Thank you.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
CAROLYN JACKSON,  
License No. N-17514,  
Respondent.  

Case No. 05-086

NOTICE OF HEARING

To: Carolyn Jackson  
734 Mountain View Circle  
Salmon, ID 83467

Pursuant to the provisions of title 54, chapter 14, Idaho Code, and the duly promulgated rules of the Idaho State Board of Nursing, you are hereby notified and requested to appear before the Board on the 27th day of April, 2006, at 2:00 p.m. (MST) at the Statehouse Inn, 981 Grove Street, Showcase Room, in Boise, ID and from time to time thereafter as may be required by the Board, on whether or not your license should be disciplined as set forth in the Complaint filed against you.

You are further notified that you may appear with or without the assistance of an attorney on the day, time and place specified in this Notice of Hearing and present testimony with respect to the above noted issues.

All persons requiring assistance pursuant to the Americans with Disabilities Act in order to participate in or understand the hearing must request such assistance ten (10) days in advance of the hearing by contacting the Board Office at the number or address listed below.

The hearing will be conducted pursuant to the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01. Copies of the Administrative Procedure Act and the Idaho Rules of Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

NOTICE OF HEARING - 1
All original official documents must be filed with the Idaho State Board of Nursing, 280 North 8th Street, Suite 210, Boise, ID 83720-0061; telephone (208) 334-3110; FAX (208) 334-3262 no later than April 17, 2006 at 5:00 p.m. A copy must be sent to:

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

DATED this ___ day of March, 2006.

IDAHO STATE BOARD OF NURSING

By ________________  
SANDRA EVANS, M.A.Ed., R.N.  
Executive Director

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CAROLYN JACKSON  
734 MOUNTAIN VIEW CIRCLE  
SALMON, ID 83467

Postmark Here  

3-21-06  

PS Form 3810, Issue 3-02  
See Reverse for Instructions

NOTICE OF HEARING - 2
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21 day of MARCH, 2006 I caused to be served a true and correct copy of the foregoing NOTICE OF HEARING addressed as follows:

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

Carolyn Jackson
734 Mountain View Circle
Salmon, ID 83467

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

X 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