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

SHERRY JOHNSON
N-19550

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of the License of: SHERRY A. JOHNSON, License No. N-19550, Respondent. ) Case No. 02-013

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Having reviewed the 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. Sherry A. Johnson (hereinafter “Respondent”) is licensed by the Idaho State Board of Nursing under License No. N-19550 to engage in the practice of nursing in the State of Idaho.

2. On or about March 30, 2002, the Board received a voluntary surrender in lieu of instituting a formal disciplinary process from Respondent. On April 17, 2002, Respondent signed a contract with Idaho PRN and a limited license was issued. See Exhibit A.

3. Commencing in late December 2002 until September 24, 2003, on at least two occasions Respondent consumed wine while taking communion. And on numerous occasions throughout 2003 Respondent had diluted urine tests and was warned of these constituting a positive test result.

4. On May 18, 2004, Respondent had a positive test result for ethanol. On June 9, 2004, Respondent challenged the test result and agreed to submit to Ethyl Glucuronide testing to confirm alcohol consumption. The test results came back confirming a positive result. See Exhibit B.
5. On June 24, 2004, Respondent’s limited license was terminated. *See* Exhibit C.

6. On July 19, 2004, the Board received a letter from Respondent who wished to set forth her position on the positive result set forth above. *See* Exhibit D.

7. On July 26, 2004, Respondent was advised the PRN Committee had considered her request to remain in the program and detailed what Respondent was required to do to remain compliant. *See* Exhibit E.

8. On July 29, 2004, Respondent wrote to PRN services and advised them she was resigning from the program. This was received by the Board from PRN on August 19, 2004. A copy is attached as Exhibit F.

**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, N-19550, is conditioned upon her complying with all the laws, rules and regulations. Respondent’s actions and failure to act as set forth above are in violation of Idaho Code §§ 54-1413(1)(e) and (g) and IDAPA 23.01.01.100.06, 23.01.01.101.01 and 23.01.01.132 and hence constitutes 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 shown, it is hereby ordered that License No. N-19550 issued to Sherry Johnson, is hereby \(\times\) Revoked ___ Suspended, effective immediately.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER - 2
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 health care provider at the time of application for reinstatement;
   b. A detailed summary of employment since licensure revocation or suspension; and
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.
   d. Evidence of financial compliance with NCPS and the PRN program.

The Board reserves the right to assess investigative costs and attorney’s fees incurred in this matter as a condition of reinstatement.

DATED this __11__th day of November, 2004.

IDAHO BOARD OF NURSING

By [Signature]

Randall Hudspeth, APPN
Chair

NOTICE OF AVAILABLE RIGHTS

If respondent’s license was revoked, then pursuant to Board Rule 120.06, Respondent may not apply to the Board for reinstatement for two (2) years after the date of execution of this Order unless the Order specifies otherwise. At the time of application, the Board may conduct further evidentiary hearings pursuant to Board Rule 120 to determine whether to deny reinstatement, grant a reinstatement, or issue a license permitting the applicant to practice nursing under specified terms and conditions.

If respondent’s license was suspended 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 pursuant to Board Rule 120 to determine whether to deny reinstatement, grant a reinstatement, or issue a license permitting the applicant to practice nursing under specified terms and conditions.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2004, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER addressed as follows:

Sherry Johnson
5123 Burlington Drive
Boise, ID 83704

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

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

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

Sandra Evans, M.A.Ed., R.N.
Executive Director
State of Idaho
Board of Nursing

This is to certify that:

SHERRY JOHNSON
5123 BURLINGTON DR
BOISE, ID 83704

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

2001-2003

License Number
N-19550

Expires: August 31, 2003

Sherry A. Johnson
Valid when signed by licensee.
RULE 132
VOLUNTARY SURRENDER OF LICENSE

I, Sherry A. Johnson, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: abuse of alcohol and Soma (4 ½ yrs ago)

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 seq. I also understand that the Board of Nursing has the authority to accept this voluntary surrender pursuant to Idaho Code §54-1413(2)(a).

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 hereby voluntarily surrender license number N-19550 and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132, I agree to enter treatment immediately, to participate in a monitoring program and to resume the practice of nursing only at such time as a conditional limited license has been issued to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as “surrendered.”

DATED: March 30, 2002

Sherry A. Johnson
Signature of Licensee

5123 Burlington Dr.
Address
Boise, ID 83704

City, State, Zip

DATED: 6/99-PRN

Signature of Witness
April 15, 2002
32044

To whom it may concern,

I am requesting the return or reissuance of my license as per the letter I received in March, 2002. I was to pay $100.00 (check enclosed) and receive a license with limited privileges.

I am requesting that license be issued at this time.

Sincerely,

Sherry A. Johnson
5123 Burlington Dr.
Boise, ID 83704
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**LIMITED LICENSE - Receipt**

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Failure to comply with stipulated terms may result in withdrawal and disciplinary action.

Expires: 04/17/07  (See Reverse)

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June 24, 2004

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Sherry Johnson

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Sherry Johnson, a Board of Nursing referral, has become non-compliant with her PRN contract due to a failed UA test. Therefore, we feel we must report this to the Board of Nursing.

Ms. Johnson signed a contract with PRN on April 17th, 2002. Ms. Johnson’s contract requirements include the following: 1) Attend 4 12-Step meetings per week, 2) Random UA/drug testing, 3) Meet with sponsor weekly face-to-face to work the steps, 4) Attend Health Professionals Support Group.

On May 24, 2004 the PRN office was notified by NCPS that Ms. Johnson’s UA test from May 18th, 2004 came up Positive for Ethanol. When Ms. Johnson was notified of the results of this test, she disputed those results and was informed that the results could be re-tested using an Ethyl Glucuronide test to confirm the original UA results. Ms. Johnson agreed. As of today, the PRN office was notified by the Medical Review Officer that the re-test for Ethyl Glucuronide was also positive for alcohol.

PRN is contacting Ms. Johnson to request that she be re-evaluated with Jeanette Flood at First Step, and that she not work until this matter is resolved.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either Lori or me at (208) 323-9555.

Sincerely,

Brian Crouch
Compliance Monitor

Cc: Sherry Johnson
    Cindy Benson

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
Dear Ms. Johnson:

NOTICE OF TERMINATION OF LIMITED LICENSE

You are hereby notified that limited license, number N-19550 issued under provisions in IDAPA 23.01.132. is terminated, effective immediately.

You are further notified that such action is deemed necessary in the interest of public health, safety and welfare resulting from:

...failure to comply with the terms and conditions of your contract for monitoring with the Program for Recovering Nurses by:

a. Failing to abstain from all mind-altering chemicals as provided for in the Contract signed April 17, 2002, as evidenced by a positive urine drug screen for ethanol collected on May 18, 2004.

Following re-evaluation and recommendations, you may be eligible for re-issuance of your limited license.

Dated: June 24, 2004

SANDRA EVANS, MAEd, RN
Executive Director

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.
Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

   SHERRY JOHNSON  
   5123 BURLINGTON DRIVE  
   BOISE ID 83704

2. Article Number (paste from service label)

   1000 100 0050 0650 4873

3. Service Type

   ☑ Certified Mail
   ☐ Express Mail
   ☐ Registered
   ☐ Return Receipt for Merchandise
   ☐ Insured Mail
   ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

   ☐ Yes
   ☐ No

A. Received by (Please Print Clearly)

   SHERRY JOHNSON

B. Date of Delivery

   5/4/04

C. Signature

   [Signature]

D. Is delivery address different from item 1?

   ☐ Yes
   ☐ No

If YES, enter delivery address below:

   04 JUL 10:17
July 15, 2004

Dear Ms. Evans,

I am writing to you to let you know my side of what happened on May 18, 2004 when I tested positive for alcohol.

I do not know how long alcohol stays in the body, but I can tell you that for at least the week before I tested I was either working, at a meeting or home with my family. The 48 hours before were as follows:
- 48 hours: (1430 on May 16th): home with my family.
- 36 hours: (0230 on May 17th): asleep.
- 0800 – 1600: May 17th: at work
- 1600: went home to prepare dinner for family (husband and children there with me).
- 1730: left to go to son’s tournament soccer game. Was there until approximately 2030
- 2030-0800: (May 18th) home and sleeping.
- 0800-1330: Field trip with my daughter’s 4th grade class at the Idaho Penitentiary.
- 1330-1400: drove a group of parents back to school that had ridden in my car.
- 1400-1430: Drove to lab and tested at 1437.

I do not know how I came to have alcohol in my urine, but I do know I did NOT intentionally consume alcohol. If I had, I certainly would NOT have paid hundreds of dollars to prove otherwise.

I know that you are meeting next week to decide my fate and I simply wanted to have my say in the matter. You have to believe what the lab says, although it has always seemed unfair that my fate and the fate of others has always rested on how well we can pee in a cup.

You and the Board will believe what you may but I know, my husband knows and my God knows that I did not consume alcohol and those are really the only 3 people I really care about.

I simply wanted to say my peace on this matter and I believe I have been unjustly accused and feel my license should be reinstated.

Thank you,

Sherry A. Johnson
Sherry Johnson  
5123 Burlington Drive  
Boise, ID 83704

Dear Ms. Johnson:

During their July 23, 2004 meeting, the members of the Program for Recovering Nurses Advisory Committee reviewed your file and request to remain in the program and reinstatement of your limited license. The Committee also reviewed the history provided by the Program Coordinator and Report of Non-Compliance for violation of your Contract for Monitoring.

Following their review, the Committee made the following recommendations:

1. That you be authorized to re-enroll in the Program for Recovering Nurses and sign a new contract for five (5) years that will include the monitoring conditions in your original contract.
2. That you be authorized for a limited license upon recommendation from the PRN Coordinator.
3. That you be notified that any further violation of your monitoring contract will result in your file being referred directly to the Board of Nursing members for disciplinary action.

Please contact me or John Southworth if you have questions regarding your re-enrollment in the Program.

Sincerely,

[Signature]

SANDRA EVANS, MAEd, RN  
Executive Director

SE:hc  
cc: PRN Program

*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.*
July 29, 2004

Dear Southworth Associates,

As of today I am formally resigning from the PRN program. There is the possibility that I will reapply again in the future.

Thank you,

Sherry A. Johnson