Dear Ms. Jones:

Following the hearing held on October 23, 2008, the Board of Nursing members took action to affirm the Order of Summary Suspension as amended, and issue an Order of Revocation of License Number, PN-6791. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Findings of Fact, Conclusions of Law and Final Order.

The Order became effective October 31, 2008. Conditions for reinstatement can be found at Idaho Code 54-1411 (3) and IDAPA 23.01.01.120.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:the
enclosure
INTRODUCTION AND PROCEDURAL HISTORY

On July 7, 2008, the Executive Director of the Idaho Board of Nursing (hereinafter "Board") entered an Order summarily suspending the limited license issued to Respondent Connie Jo Jones (hereinafter "Respondent"). The Order provided that the suspension was necessary in the interest of public health, safety, and welfare due to Respondent's failure to comply with terms and conditions of her limited license. The Order notified Respondent of her procedural rights to request a hearing on the suspension.

By letter dated July 24, 2008, Respondent requested a hearing before the Board on the suspension Order. On August 4, 2008, a formal Notice of Hearing was entered and served informing the parties that hearing on the suspension Order was scheduled before the Board at 1:30 p.m., on October 23, 2008.

On October 23, 2008, a formal hearing was conducted before the Board. Respondent appeared in person, without legal representation, and presented her case pro se. The Board's Executive Director appeared in person and through her attorney, Deputy Attorney General Karl Klein. At the hearing, the parties stipulated to the admission of certain documentary evidence. Respondent submitted Exhibits A, B and
C, and the State submitted Exhibits 1-10. The only witnesses testifying at the hearing were Respondent and Sandra Evans, the Board’s Executive Director.

At the conclusion of the hearing, the Board carefully reviewed and considered the testimony and materials presented by the parties and orally voted on a resolution of this matter.¹ This written Order memorializes the Board’s decision.

FINDINGS OF FACT

1. In July 2002, Respondent entered the Program for Recovering Nurses ("PRN") based upon admissions of drug abuse.

2. By letter dated January 22, 2004, Respondent was notified that her limited license was terminated for failure to comply with her PRN contract; namely, failure to provide random urine screens and failure to submit required Client Activity Reports. (State’s Exhibit 2).

3. On April 19, 2004, the PRN Advisory Committee reviewed the matter and recommended that Respondent be allowed to remain in the PRN and be authorized to again be issued a limited license provided that she sign a new contract with the PRN and comply with all monitoring obligations. On the same date, Respondent signed a new PRN contract. (State’s Exhibits 3 and 4).

4. On December 2, 2004, Respondent was issued another limited license under No. PN-6791. (State’s Exhibit 5).

5. On January 15, 2008, the PRN Compliance Monitor sent Respondent a letter informing her that information in the possession of the PRN indicated that Respondent was in violation of her contract by not attending the required three (3)

¹ Jill Howell, Board member and Chairman of the Program for Recovering Nurses Advisory Committee, abstained from voting.
weekly AA/NA meetings and by failing to turn in her Client Activity Reports verifying attendance. (State’s Exhibit 6).

6. On February 15, 2008, the Board’s Executive Director sent Respondent a letter stating that the PRN had advised the Board office that Respondent had not been in full compliance with her PRN contract since September 2007 and that the file had been referred to the PRN Advisory Committee for review. (State’s Exhibit 7).

7. On April 30, 2008, the Board’s Executive Director sent Respondent a letter informing her that the PRN Advisory Committee had met and recommended that Respondent be allowed to retain her license provided she comes into full compliance will all terms of her monitoring contract within thirty (30) days, including timely submission of AA/NA weekly attendance reports and urine drug screens. The letter warned Respondent that failure to do so would result in a referral to the Board with a recommendation that her license be revoked. (State’s Exhibit 9).

8. On June 2, 2008, the PRN Coordinator notified the Board in writing that it was terminating Respondent from the PRN for failure to pay monitoring fees and for failure to comply with numerous requests to submit weekly Client Activity Reports verifying AA/NA attendance. (State’s Exhibit 11).

9. On July 7, 2008, the Board’s Executive Director entered an Order, pursuant to IDAPA 23.01.01.132, summarily suspending Respondent’s limited license on the grounds that Respondent had violated her PRN Monitoring Contract and conditions of her limited license by: (1) failing to submit Client Activity Reports documenting attendance at weekly AA/NA meetings; (2) failing to submit urine drug screens on April 3 and 14, 2008; and (3) testing positive for EtG on April 17, 2008. The
Order further stated that Respondent had failed to come into full compliance with her PRN obligations within the thirty (30) day period granted by the PRN Advisory Committee. (State’s Exhibit 1).

10. On October 23, 2008, a hearing was held before the Board on the suspension Order.

11. At the hearing the Board’s Executive Director testified that the suspension Order was in error in that it indicated that Respondent had “tested positive for EtG on April 17, 2008.” Upon request of the Board’s enforcement counsel, the suspension Order was amended to strike this verbiage from the Order.

12. At the hearing Respondent testified that she admitted the charges in the suspension Order, as amended.

13. At the hearing Respondent introduced Exhibits A, B and C. Respectively, these exhibits were letters from Dr. F. John Gies, Associates in Family Practice, P.A.; Cheryl Randolph, Administrator, Shoshone Rehabilitation and Living Center; and Sylvia Phillips, RN/Acting DNS at Shoshone Rehabilitation and Living Center.

14. None of the letters offered by Respondent address the allegations in the July 7, 2008 Order of Summary Suspension. Rather, the letters appear to have been offered solely for the purpose of supporting Respondent’s character. The authors of each of these letters indicate that they have worked with Respondent in a health care setting and that Respondent is a caring and competent nurse.

15. Respondent readily admitted that she failed to attend several AA/NA meetings. However, Respondent also testified that she had evidence of attendance of
some of the disputed meetings at her home but did not bring the documentation to the hearing. Respondent offered no explanation for failing to do so.

CONCLUSIONS OF LAW

1. The Findings of Facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. Any failure to comply with the terms and conditions of a limited license shall be deemed an immediate threat to the health, safety, and welfare of the public, authorizing the Board’s Executive Director to enter an order summarily suspending the license. IDAPA 23.01.01.132.06.a.

3. The Board is authorized to affirm or reject a suspension order entered by the Executive Director or it may enter such further orders revoking, suspending, or otherwise disciplining the license. Furthermore, the Board may stay any order of the Executive Director or may modify the terms and conditions of a limited license as deemed appropriate to regulate, monitor, or supervise the practice of any licensee. IDAPA 23.01.01.132.06.b. and c. See also, Idaho Code § 54-1413(1)(g).

4. The Executive Director’s suspension Order in this case complied with applicable Board rules and will be affirmed.

5. Respondent has shown a pattern over several years of failing to comply with the terms and requirements of the PRN.

6. Respondent has repeatedly failed to attend required AA/NA meetings and has repeatedly failed to submit attendance verification to the PRN.
7. Despite having been given multiple opportunities to change her behavior and to come into compliance with the terms of her PRN contract, Respondent has failed or refused to do so.

8. Respondent's repeated violation of her PRN contract constitutes sufficient grounds for revoking, suspending, or otherwise disciplining her nursing license.

FINAL ORDER

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, IT IS ORDERED that:

1. The July 7, 2008 Order of the Executive Director summarily suspending License No. PN-6791, as amended, IS AFFIRMED.

2. License No. PN-6791, issued to Respondent Connie Jo Jones, IS REVOKED.

3. Respondent may not apply for reinstatement of her license for a two (2) year period after entry of this Order.

4. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120. This will include, but is not limited to, providing the following information to the Board:

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

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

      i. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement;

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER – 6
ii. A detailed summary of employment since licensure revocation or suspension; and

iii. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.

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

DATED this 31st day of October 2008.

IDAHO STATE BOARD OF NURSING

______________________________
SUSAN ODOM, PhD, RN
Chairman

NOTICE OF APPEAL RIGHTS

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 § 54-1413 and Board of Nursing Rule IDAPA 23.01.01.165, you may petition for reconsideration of this Final Order of the Board upon the following grounds:

1. Newly discovered or newly available evidence relevant to the issues;
2. Error in the proceeding or Board decision that would be grounds for reversal or judicial review of the order;

3. Need for further consideration of the issues and the evidence in the public interest; or

4. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this Final Order may appeal this Final Order to district court by filing a petition in the district court of the county in which:

1. A hearing was held,

2. The final agency action was taken,

3. The party seeking review of the order resides, or

4. 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 31ST day of OCTOBER 2008, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER by placing a copy thereof in the United States Mail, postage prepaid, and addressed to:

Connie Jo Jones  
433 4th Avenue West  
Gooding, ID  83330

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

Roger L. Gabel, Deputy Attorney General  
Contracts and Administrative Law Division  
Office of the Attorney General  
954 W. Jefferson, 2nd Fl.  
Boise, ID  83720-0010

LINDA COLEY  
Management Assistant  
Board of Nursing

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER – 9
CONNIE JO JONES
433 4TH AVE WEST
GOODING, ID. 83330

08 NOV 18 AM 10:49

A. Signature
X Connie Jones

B. Received by (Printed Name)
Connie Jones

C. Date of Delivery
11/17/08

D. Is delivery address different from item 17? Yes

3. Service Type
Certified Mail

4. Restricted Delivery? (Extra Fee) Yes