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

RUTH KEARNS
PN-5758

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
November 10, 1999

Ruth Ann Kearns
12520 101 St. Way NE #3
Kirkland WA 98034

Dear Ms. Kearns:

During their meeting on November 4, 1999, the Board of Nursing members took action to issue a formal Order of Revocation of license. Enclosed is a copy of the Consent Order.

The Order revoking your license became effective November 4, 1999. Please be advised that you may not practice nursing in the State of Idaho during the time your license is revoked.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lh
enclosure

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.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: RUTH ANN KEARNS,  
License No. PN-5758, Respondent. 

Case No. BON 99-40 
CONSENT ORDER 

WHEREAS, information having been received by the Idaho State Board of Nursing (hereinafter the “Board”) which constitutes sufficient grounds for the initiation of an administrative action against Ruth Ann Kearns (hereinafter “Respondent”); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; 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.

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

2. Respondent Ruth Ann Kearns is a licensee of the Idaho State Board of Nursing and holds License No. PN-5758 to practice nursing in the State of Idaho. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code.


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4. Pursuant to the Order entered by the State of Washington Department of Health Nursing Care Quality Assurance Commission in Docket No. 98-08-A-1073LP, Respondent's license to practice nursing in the state of Washington was suspended indefinitely.

5. The facts as stated in paragraphs 1-4, above, constitute a violation of Idaho Code § 54-1413(1)(i), which provides grounds for discipline if a nurse has had a license to practice nursing suspended or revoked in any jurisdiction.

6. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the imposition of discipline against her license as set forth in Section C below.

B.

I, Ruth Ann Kearns, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause to discipline my license to practice nursing in the state of Idaho, and I agree that the Board has jurisdiction to proceed in this matter.

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 so testify myself; the right to reconsideration; the right to appeal; 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.

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

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent’s license No. PN-5758 is suspended for an indefinite period upon execution of an order by the Board accepting this Stipulation. Once the suspension of Respondent’s license has become effective, Respondent shall immediately cease the practice of nursing in the state of Idaho, and surrender her license to the Board by mailing her original license to the Board of Nursing, P.O. Box 83720, Boise, ID 83720-0061.

2. Respondent will not be eligible to apply for reinstatement until the Board receives notice that the state of Washington has issued Respondent an unrestricted license to practice nursing in the state of Washington, and receives proof that Respondent has complied with all of the provisions in the Stipulated Findings of Fact, Conclusions of Law and Agreed Order entered by the State of Washington Department of Health Nursing Care Quality Assurance Commission. The Board retains discretion to grant Respondent an unrestricted license, deny Respondent’s request for reinstatement, or issue a conditional license.

3. 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.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent’s approval, or reject this settlement agreement, and if rejected by the Board, an administrative complaint will be filed. Respondent hereby agrees to waive any right
Respondent may have to challenge the impartiality of the Board to hear the allegations in the Complaint if, after review by the Board, this settlement agreement is rejected.

3. If the Board does not accept this Consent Order, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. This Consent Order shall not become effective until it has been approved by a majority of the board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Respondent understands that the Board will not refund, in whole or in part, any monies paid to the Board for her initial licensure or renewal licensure.

7. Any default of this Consent Order shall be considered a violation of Idaho Code § 54-1413. If Respondent violates or fails to comply with this Consent Order, the Board may impose additional discipline pursuant to the following procedure:
   a. The Board’s executive director shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.
   b. At the hearing before the Board upon default, the Board staff and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.
c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent’s practice or suspension or revocation of Respondent’s license.

8. The Board shall have the right to make full disclosure of this Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable limitations of the Idaho Public Records Act, title 9, chapter 6 Idaho Code.

9. This Stipulation and Consent Order 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 will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Consent Order 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 will be of no effect.

DATED this 17th day of October, 1999.

Ruth Ann Kearns
Respondent
Approved as to form, and I concur in this stipulation and order.

DATED this 21st day of October, 1999.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By /Kirsten L. Wallace/
Kirsten L. Wallace
Deputy Attorney General

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 4th day of November, 1999. Pursuant to the terms of the Stipulation, Respondent’s license is SUSPENDED INDEFINITELY. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By /Charles Moseley, CRNA/
Charles Moseley, CRNA
Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON this 10th day of November, 1999, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, addressed to:

Ruth Ann Kearns
12520 101 St Way NE #3
Kirkland WA 98034

Roger Gabel, Deputy Attorney General
Civil Litigation Division
Lower Level LBJ Building
PO Box 83720
Boise, Idaho 83720-0010

Sandra Evans, MAEd, RN
Executive Director

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