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

SHARON KILBURN  
PN-9742

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: ) Case No. BON 05-062

SHARON R. KILBURN, ) STIPULATION AND
License No. PN-9742, ) CONSENT ORDER

Respondent.

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 Sharon R. Kilburn (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 Sharon R. Kilburn is a licensee of the Idaho State Board of Nursing and holds License No. PN-9742 to practice practical nursing in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 14, Idaho Code.

3. On or about June 23, 2005, the Board received a Report of Violation of the Nurse Practice Act from Respondent's employer, Michael Koelsch, M.D. The report indicated that Respondent admitted to unauthorized taking of Demerol from Dr. Koelsch's office for her personal use. Respondent was terminated from employment with Dr. Koelsch on June 1, 2005.

4. On or about July 5, 2005, the Board received a Report of Investigation from
the Idaho Board of Pharmacy concerning the theft of Demerol by Respondent from Dr. Koelsch's office. A true and correct copy of the Board of Pharmacy Report of Investigation is attached hereto as Exhibit A.

5. On July 5, 2005, Respondent voluntarily surrendered her license and agreed to enter treatment. A true and correct copy of Respondent's Voluntary Surrender of License is attached hereto as Exhibit B.

6. Because of pending surgery, Respondent was unable to complete a PRN contract for monitoring immediately after surrendering her license. On January 17, 2006, Respondent obtained a drug/alcohol assessment which recommended that Respondent obtain an inpatient evaluation to rule out continuing addiction issues.

7. On May 30, 2006, Respondent informed the Board that she did not want to pursue reinstatement of her license.

8. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of nursing, specifically Idaho Code § 54-1413(1)(e) and (g) and Board Rules (IDAPA 23.01.01) 100.06, 100.08, 101.03.e, 101.04.e, and 101.05.f.

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

B.

I, Sharon R. Kilburn, 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, if proven, 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. License No. PN-9742 issued to Sharon R. Kilburn is hereby suspended indefinitely.

2. 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.
      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.

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

4. 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 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 hearing will be held at the next regularly scheduled Board meeting. 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 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, 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. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

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 30 day of June, 2006.

Sharon R. Kilburn
Respondent

I concur in this stipulation and order.

DATED this 16th day of July, 2006.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Karl T. Klein
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 31st day of July, 2006. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By Susan Odom, Ph.D., R.N.
Chair

STIPULATION AND CONSENT ORDER - 6
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2006, I caused to be served a true and correct copy of the foregoing by the following method to:

<table>
<thead>
<tr>
<th>Sharon R. Kilburn</th>
<th>Karl T. Klein</th>
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<tbody>
<tr>
<td>2500 North 18 East</td>
<td>Deputy Attorney General</td>
</tr>
<tr>
<td>Mountain Home, ID 83647</td>
<td>P.O. Box 83720</td>
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<td>Boise, ID 83720-0010</td>
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- [ ] U.S. Mail
- [ ] Hand Delivery
- [ ] Certified Mail, Return Receipt Requested
- [ ] Overnight Mail
- [ ] Facsimile: ____________________
- [ ] Statehouse Mail

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

SEND: COMPLETE THIS SECTION

1. Article Addressed to:

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<td>2500 NORTH 18 EAST</td>
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<td>MOUNTAIN HOME ID 83647</td>
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COMPLETE THIS SECTION ON DELIVERY

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<th>B. Received by (Printed Name)</th>
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<tr>
<td>[ ] Express Mail</td>
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<tr>
<td>[ ] Return Receipt for Merchandise</td>
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<td>[ ] C.O.D.</td>
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<th>4. Restricted Delivery? (Extra Fee)</th>
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<td>[ ] Yes</td>
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STIPULATION AND CONSENT ORDER - 7
IDAHO BOARD OF PHARMACY
3380 Americana Terrace, Ste. 320
PO Box 83720 Boise, Idaho 83720-0067
208-334-2356

Report of Investigation

Date Written: 07/07/05
Investigator: Fred Collings
Case Number: BOP-05-036

Subject:

Name: Sharon Kilburn, LPN
Home address: 2500 N. 18th E., Mountain Home, ID 83647
Phone: (208) 580-2111

Business address: Dr. Michael Koelsch, 805 N. 6th E., Mountain Home, ID 83647
Phone: 587-3082

License: PN-9742

Details:

On 06/22/05 I received a DEA Form 106 Theft/Loss report from Dr. Michael Koelsch listing 45 1 ML ampules of Demerol missing due to employee pilferage. The date of the theft was listed as March, April, May with a question mark after the months. I spoke with Mary Lou Koelsch who is the doctor’s wife and office manager. She stated that the employee was LPN Sharon Kilburn who had been employed at the office for about four years. We set up an appointment for 3:00 PM that day to discuss the situation.

Sharon Kilburn replaced nurse Tina Evans at Dr. Koelsch’s office about four years due to the death of Evans. Evans died of an Amitriptyline overdose but was also found to have two Fentanyl patches on her body at the time of death. The patches were not prescribed to her, one of Dr. Koelsch’s patients had previously returned the patches to his office and he allowed Evans to take them for her own use.

After speaking to Mrs. Koelsch I called Detective Bill Bradshaw of the Mountain Home Police Department with whom I had worked with before. I told Bradshaw of the theft of the schedule II medication and asked if he would be interested in the case and he said yes. We made arrangements to meet at 3:00 PM at the doctor’s office.

At 3:00 PM, Bradshaw and I met with Dr. and Mrs. Koelsch. Mrs. Koelsch stated that on 05/23/05 Kilburn called in and said that she would not be coming into work because her brother in law had passed away. Later on the 23rd, Dr. and Mrs. Koelsch went over to
Kilburn’s home at her request and Kilburn admitted that she had been stealing Demerol ampules for her own use. Dr. Koelsch said that he was treating Kilburn for Polycystic Kidney disease, which she had been diagnosed with many years ago, and that her pain had increased over the last year. Dr. Koelsch also said that Kilburn has not worked in his office since she admitted to the theft and that he will not allow her to return to work. I asked Mrs. Koelsch to compare the administration log for the Demerol to the patient charts to ensure that the patient was actually seen on the day of the injection. Dr. Koelsch also told me that Kilburn’s husband is retired military and that she might get prescriptions filled out at the base hospital.

I looked through Dr. Koelsch’s unused DEA order forms and found that two were unaccounted for. I called Gary Wyler of the Boise DEA office and asked if he could tell me the numbers of the forms obtained by Dr. Koelsch. Wyler said that his system no longer provides the serial numbers of the forms issued. Bradshaw and I later went to Sav-Mor Drug in Mountain Home and found one of the two missing forms. The pharmacist was still looking for all the 222’s they had filled. Mrs. Koelsch showed us the cabinet where the controlled substances were kept. The only substances on hand were Demerol ampules and Ambien samples.

On 06/23/05, DEA Diversion Investigator Tom Clemon and I went to the Mountain Home AFB hospital pharmacy and obtained a prescription profile. The profile shows that Kilburn has received a couple Ambien and Hydrocodone prescriptions at the base from military providers. The profile also listed prescriptions written by Dr. Koelsch and Nurse Practitioner Linda Shaw that were filled at the base. I have provided Kilburn’s military prescription profile to Mrs. Koelsch so she could compare it to the medical record and verify that the practitioners wrote the prescriptions.

On 06/24/05 Detective Bradshaw left a message saying that he had interviewed Sharon Kilburn and that she admitted to injecting 200-250 mg of Demerol at a time and said that she started taking the Demerol for herself about 6-8 weeks ago. I also faxed Mrs. Koelsch a copy of Sharon Kilburn’s database profile so she can compare the prescriptions filled to the medical record. The profile shows that Kilburn had been receiving Ambien and Hydrocodone from Dr. Koelsch.

On 06/29/05, we sent a request to Sanofi-Aventis for a report listing the number of Ambien samples obtained by Dr. Koelsch.

On 07/06/05 we received the Ambien report showing that Dr. Koelsch had received 10 5mg tablets, and 20 10 mg tablets on 10/12/04 and 40 10 mg tablets on 06/27/05. The dispensing log shows an inventory of 2 5mg tablets and 48 10mg tablets on 12/12/03. The log indicates 10 10mg tablets were dispensed to Sharon Kilburn but list no date. Kilburn’s medical record lists on 02/02/04 “samples given, 5 to 10 mg as needed” The notation does not list the strength given. The log also has an entry on 05/13/05 for a patient but list no quantity. Based on the confusing information on the log, I cannot determine if any Ambien tablets are unaccounted for.
I also spoke with Mrs. Koelsch on this day and she said that she identified three prescriptions off the profiles that are not listed in the medical record. The dates of the prescriptions are 02/27/04, Kilburn was seen as a patient but there is no record of a prescription being issued. 04/29/05 Kilburn was out sick and a schedule II prescription was issued and on 05/04/05, there are no notes.

The last count of Demerol records by Mrs. Koelsch indicate that 51 ampules are unaccounted for.

Besides the three prescriptions, there is no proof that Sharon Kilburn has obtained more controlled substances than she has already admitted to. However, Dr. Koelsch’s records are not complete and cannot be relied on to prove that Kilburn is responsible for any discrepancies.

On 07/07/05 I spoke with Detective Bradshaw and told him of my findings. A copy of this report, Dr. Koelsch’s records and Kilburn’s prescription profiles will be sent to Bradshaw and Deputy Attorney General Cheri Bush.

Fred Collings
Investigator
Idaho Board of Pharmacy
RULE 132.04.
Voluntary Surrender of License

I, Sharon R Kilburn, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: 
   Abuse of Injectable

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 
   PN-9742 and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132.04, 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.”

PN-9742

State of Idaho
Board of Nursing

This is to certify that:

SHARON R KILBURN
2500 NORTH 18 EAST
MOUNTAIN HOME, ID 83647

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

Sharon R Kilburn
Signature of Licensee

2500 N 18 E
Address

NORTH HOME, ID 83647
City, State, Zip

Marc Howerton
Signature of Witness

Exhibit B
Page 1 of 1