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

VIRGIE LOVETT  
N-23414

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Virgie Lovett
PO Box 2017
Hayden Lake ID 83835

Dear Ms. Lovett:

During their meeting on May 1-2, 2008, the Board of Nursing members took action to accept the Stipulation and Consent Order that places your professional nurse license on probation and requires performance reports if you are working in nursing. Please submit your professional nurse license to the Board office to be stamped “PROBATION”. Enclosed is a copy of the Final Order.

The Order became effective May 1, 2008.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lh

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: ) Case No. BON 07-037
) STIPULATION AND
) CONSENT ORDER
VIRGIE N. LOVETT, )
License No. N-23414, )
) Respondent.
)

WHEREAS, information has been received by the Idaho State Board of Nursing (the “Board”) that constitutes sufficient grounds for the initiation of an administrative action against Virgie N. Lovett (“Respondent”); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; 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. Stipulated Facts and Law

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

A.2. The Board has issued License No. N-23414 to Respondent. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code, and the Board’s rules at IDAPA 23.01.01, et seq.

A.3. At all times referenced herein, Respondent was employed as the supervising nurse for Garden Homes, an assisted living facility in Post Falls, Idaho.

A.4. On or about May 9, 2007, the Idaho Department of Health and Welfare, Bureau of Facility Standards reported to the Board that the Bureau had surveyed Garden Homes. As to Respondent, the Bureau reported, in sum, that Respondent had been working off-site in another state while attempting to supervise and perform nursing functions at the facility by telephone, facsimile, and the internet. Consequently,

a. Respondent had not personally assessed a number of the facility’s
residents and was unaware of significant changes to the residents’ conditions, such as a
changes in a residents’ ability to self-administer insulin, development of pressure ulcers,
and unexplained weight-loss;

b. While out of state, Respondent electronically signed assessments
that she had not personally performed;

c. Respondent failed to direct unlicensed facility staff regarding
appropriate interventions in light of changes in the residents’ conditions; and

d. In Respondent’s absence, unlicensed staff were left to assist
residents with medications and treatments without Respondent’s assessment or
appropriate delegation, and to perform nursing tasks (e.g., injections of insulin) that that
required nursing assessment, knowledge and judgment.

A.4. The allegations of Paragraph A.3, if proven, would violate the laws and
rules governing the practice of nursing and would be grounds for discipline, specifically:

a. Idaho Code § 54-1413(1)(d) and Board Rule 100.05 (gross
negligence or recklessness in performing nursing functions);

b. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall
not violate the Board’s laws, rules or standards of conduct and practice);

c. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall
not engage in conduct of a character likely to deceive, defraud or endanger patients or the
public);

d. Board Rule 101.04.a (a nurse shall have knowledge of the statutes
and rules governing nursing and shall function within the defined legal scope of nursing
practice);

e. Board Rule 101.04.b (a nurse shall delegate activities to persons who
are competent and qualified to undertake and perform the delegated activities and shall
not delegate to non-licensed persons functions that are to be performed only by licensed
nurses, to the detriment of patient safety);
f. Board Rule 101.04.c (a nurse delegating functions shall supervise the persons to whom the functions have been assigned or delegated);

g. Board Rule 101.04.d (a nurse shall act to safeguard the patient from the incompetent practice or illegal practice of any person);

h. Board Rule 101.04.i (a nurse shall observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes);

i. Board Rule 101.04.j (a nurse shall function as a member of the health team and shall collaborate with other health team members as necessary to meet the patient’s health needs); and

j. Board Rule 101.05.c (a nurse shall be responsible and accountable for her nursing judgments, actions and competence).

A.5. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

B. Waiver of Procedural Rights

I, Virgie N. Lovett, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board as stated in Section A, above, and I agree that the Board has jurisdiction to proceed in this matter.

B.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 testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; 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.

STIPULATION AND CONSENT ORDER - 3
B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. No later than sixty (60) days of entry of the Board’s Order, Respondent shall pay reasonable costs of investigation and attorney fees incurred by the Board in bringing this action in the amount of Five Hundred and No/100 Dollars ($500.00).

C.2. No later than six (6) months of the date of entry of the Board’s Order, Respondent shall complete the following continuing education courses:

a. Idaho State Board of Nursing on-line Nursing Practice Act;

b. National Council of State Boards of Nursing on-line Delegating Effectively; and


Verification of attendance and completion of the three courses shall be provided to the Board’s staff within thirty (30) days of completion of each course. Respondent is currently in the process of completing said courses and may provide documentation of completion of the courses prior to the Board’s consideration of this Stipulation at its next meeting on May 1, 2008.

C.3. Respondent shall be placed upon probation immediately upon entry of the Board’s Order for a minimum period of twelve (12) months. The conditions of probation shall include the following requirements:

a. If Respondent is working as a nurse, Respondent shall provide a copy of this Stipulation and Consent Order to her employer. Respondent’s employer shall provide to the Board reports concerning Respondent’s performance monthly for six months, then quarterly for the following six months.

   b. Respondent shall comply with all the laws and rules of the Board of Nursing.
c. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

C.4. Within thirty (30) days of satisfactory completion of the 12-month probationary period, the Board shall determine whether to release Respondent from probation or whether additional measures, including but not limited to continuing probation, are necessary to ensure that Respondent is able to safely practice nursing.

C.5. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. 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. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.
E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Board’s staff shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The staff shall also serve notice of the hearing and charges to Respondent and to Respondent’s attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral 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 evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent’s license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent’s practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation 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 am waiving
certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation 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 1 day of April, 2008.

Virgie N. Lovett
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 3rd day of April, 2008.

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 1st day of May, 2008. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7TH day of MAY, 2008, I caused to be served a true and correct copy of the foregoing by the following method to:

Virgie N. Lovett
P.O. Box 2017
Hayden Lake, ID 83835

☒ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ________________________
☐ Statehouse Mail

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

☐ 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
NCSBN Learning Extension

Course Completion Certificate

This certifies that

Virgie Lovett

has completed

Nurse Practice Act - Idaho

Course Session Date:
26 Mar 2008 - 26 Mar 2008

CE Provider: NCSBN
Provider No. ABNP1046
2.00 contact hours
NCSBN Learning Extension

Course Completion Certificate

This certifies that

Virgie Lovett

has completed

Delegating Effectively*

Course Session Date:

CE Provider: NCSBN
Provider No. ABNP1046

4.20 contact hours

Printed: 27 Mar 2008
NCSBN Learning Extension

Course Completion Certificate

This certifies that

Virgie Lovett

has completed

Professional Accountability and Legal Liability*

Course Session Date:
27 Mar 2008 - 29 Mar 2008

CE Provider: NCSBN
Provider No. ABNP1046

5.40 contact hours
1. Article Addressed to:

   VIRGIE N LOVETT
   POB 2017
   HAYDEN LAKE, ID. 83835

2. Article Number
   (Transfer from service label) 7004 850 0002 8308 9901

3. Service Type
   [ ] Certified Mail
   [ ] Express Mail
   [ ] Registered
   [ ] Return Receipt for Merchandise
   [ ] Insured Mail
   [ ] C.O.D.

4. Restricted Delivery? (Extra Fee) [ ] Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

A. Signature
   [X] Kaelyn Rhoads

B. Received by (Printed Name)
   Kaelyn Rhoads

C. Date of Delivery
   5-21-08

D. Is delivery address different from Item 1? [ ] Yes
   if YES, enter delivery address below: [ ] No

'08 MAY 23 10:43 AM