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

CARRIE LUNA
N-34080

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Carrie Luna  
3372 Minuteman  
Boise, ID 83706

Dear Ms. Luna:

During their meeting on July 21-22, 2011, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-34080 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective July 22, 2011. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,

[Signature]

SANDRA EVANS, MAEd, RN  
Executive Director

SE:lhcn  
enclosure
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: )  
CARRIE FAYE LUNA, )  
License No. N-34080, )  
Respondent. )  
Case No. BON 09-033  

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
FINAL ORDER  

Having reviewed the documents appended hereto, the Idaho State Board of Nursing ("Board") enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Carrie Faye Luna ("Respondent") has been licensed by the Board, under License No. N-34080, to engage in the practice of nursing in the State of Idaho.

2. On or about May 14, 2009, the Board received a Report Form for Violation of the Nursing Practice Act ("Report"), which contained allegations pertaining to Respondent's employment at St. Luke's Regional Medical Center in Boise, Idaho ("St. Luke's"). Specifically, the Report set forth the following allegations concerning Respondent's nursing practice at St. Luke's:

   a. On April 17, 2009, St. Luke's discovered a medication discrepancy immediately following Respondent's shift. St. Luke's investigated the discrepancy and found that Respondent had removed twelve hydrocodone tablets from the Pyxis unit, but only documented administering four tablets to patients. St. Luke's also found that Respondent had removed six Ambien tablets from the...
Pyxis unit with no documentation of having administered any of the six tablets to patients.

b. On April 17, 2009, St. Luke’s administration questioned Respondent about the medication discrepancies. Respondent maintained that she either administered the medications or inadvertently still had the medications in her possession. Respondent was suspended by St. Luke’s pending further investigation and submitted to a drug test as part of the investigation.


d. On April 27, 2009, the results of Respondent’s drug test were positive for hydrocodone, hydromorphone, and norpropoxyphene.


3. On or about May 18, 2009, the Board notified Respondent via letter that the Board had received information of concern regarding Respondent’s nursing practice and that the Board would like to discuss the situation with Respondent.

4. On May 18, 2009, Respondent admitted to Board Staff that she had diverted Norco and Ambien from her employer for personal use.

5. On May 19, 2009, Respondent temporarily voluntarily surrendered her license, admitting that she “diverted Norco and Ambien tablets from [her] place of employment and tested positive for Norco.” Respondent agreed to enter treatment
immediately and to participate in the Program for Recovering Nurses (PRN), a monitoring program, and to resume the practice of nursing only at such time as a conditional limited license was issued to her. A true and correct copy of Respondent’s Temporary Voluntary Surrender of License is attached hereto as Exhibit A.

6. On June 3, 2009, Respondent signed a monitoring contract with PRN.

7. On multiple occasions between December 9, 2009, and November 1, 2010, the PRN notified the Board via letter that Respondent was non-compliant with her PRN program. Specifically, the PRN notified the Board of Respondent’s non-compliance on:
   a. October 5, 2009;
   b. October 29, 2009
   c. December 9, 2009; and

True and correct copies of the letters identified above are attached hereto as Exhibits B through E, respectively.

8. On at least two occasions, the Board specifically notified Respondent via letter that the Board was aware of Respondent’s non-compliance with her PRN program and that Respondent would need to come into compliance with her PRN contract in order to avoid having her case referred to the Board for disciplinary action. Specifically, the Board notified Respondent of her need to comply with her PRN program on:
   a. November 4, 2009; and

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 3
True and correct copies of the letters identified above are attached hereto as Exhibit F and Exhibit G, respectively.

9. On January 14, 2011, and March 25, 2011, the Board’s PRN Committee reviewed Respondent’s case and determined that Respondent could continue in the PRN program if she complied with her PRN contract. The Board’s PRN Committee informed Respondent of these decisions via letters on February 1, 2011, and April 11, 2011. True and correct copies of the letters identified above are attached hereto as Exhibit H and Exhibit I, respectively.

10. On July 11, 2011, after Respondent’s failure to demonstrate compliance with the terms of her PRN contract, the Board’s PRN Committee notified Respondent via letter that her case was being referred to the Board for disciplinary action. A true and correct copy of the letter identified above is attached hereto as Exhibit J.

11. To date, Respondent is not in compliance with the terms of her PRN contract.

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 License No. N-34080 is conditioned upon her complying with the laws and rules of the Board.

3. Respondent has violated the terms upon which she voluntarily surrendered her license in lieu of discipline, in that she failed to comply with the terms of her PRN contract.
4. Pursuant to Idaho Code § 54-1413(3)(a), Respondent’s voluntary surrender of her license empowers the Board, without a hearing, to revoke or suspend Respondent’s license and/or impose such conditions, limitations, or restrictions on her license as the Board in its discretion may deem appropriate.

5. Respondent’s conduct represents ground for disciplinary action against her license, and Respondent has specifically violated the following statutes and Board Rules:
   a. Idaho Code § 54-1413(1)(e) and Board Rule 100.06 (a nurse shall not habitually uses alcohol or drugs);
   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. Board Rule 101.03.e (a nurse shall not practice nursing while the ability to practice is impaired by alcohol or drugs or physical, mental or emotional disability); and
   d. Respondent shall be responsible and accountable for her nursing judgments, actions and competence, in accordance with Rule 101.05.c.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. N-34080 issued to CARRIE FAYE LUNA is hereby:

   ✓ Revoked.

   ____ Suspended. ____ days _____ year(s) ____ indefinitely.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 5
Respondent's license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

2. Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a ______ year period after entry of this Order, whichever period is greater. 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. Health Care Providers: Respondent must provide Board Staff with a written list of her attending health care providers (including without limitation any therapists, counselors, or other mental health care providers);

b. Health Care Provider's Evaluation: Respondent's health care providers ("provider") must submit to the Board the provider's evaluation describing Respondent's current medical condition(s) and listing her prescriptions, including the dose/frequency and rationale for the medications prescribed. This evaluation shall be submitted on a form provided by the Board. The provider shall also identify any concerns that he/she may have about Respondent's ability to safely practice nursing and what restrictions, if any, should be placed upon Respondent's practice. When requesting such evaluations, Respondent shall provide the provider with, and request that the provider review, the Idaho Board of Nursing Position on Safety to Practice. A copy of the Idaho Board of Nursing Position on Safety to Practice is attached as Exhibit K;
c. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

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

   i. A recent, within 6 months, comprehensive drug/alcohol evaluation completed by a qualified Board approved evaluator 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 at least a ________________ period of documented sobriety with 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.

   This order is effective immediately.

   DATED this 22nd day of July, 2011.

   IDAHO STATE BOARD OF NURSING

   By: ___________________________
   Susan Odom, Ph.D., R.N.
   Chair
NOTICE OF DUE PROCESS 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 §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

a. A hearing was held,
b. The final agency action was taken,
c. The party seeking review of the order resides, or
d. 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 issuance 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 27th day of July, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Carrie Faye Luna
3372 Minuteman
Boise, ID 83706

Andrew J. Snook
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Certified Mail, Return Receipt Requested
☐ Email: andy.snook@ag.idaho.gov
        leslie.gottsch.ag.idaho.gov

Linda H. Coley, Management Assistant
Board of Nursing