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

AHLEA MARTIN
N-37176

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Ahlea Martin  
5050 Timberline Rd  
Cheyenne, WY 82009

Dear Ms. Martin:

During their meeting on July 21-22, 2011, the Board of Nursing members took action to approve the Stipulation and Consent Order. Enclosed is a copy of the Consent Order.

Your license has been SUSPENDED INDEFINITELY. You may not seek reinstatement until you have satisfied the requirements for reinstatement indicated in Section C.2.

The Order became effective July 22, 2011 and you may not practice nursing in any other state participating in the Nurse Licensure Compact.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

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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: )

AHLEA MARTIN, ) Case No. BON 10-077
License No. N-37176, ) STIPULATION AND
) CONSENT ORDER

Respondent.

WHEREAS, information has been received by the Idaho State Board of Nursing ("Board") that constitutes sufficient grounds for the initiation of an administrative action against Ahlea Martin ("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. JURISDICTION OF THE BOARD

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-37176 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.

B. STIPULATED FACTS

B.1. On September 23, 2010, the Wyoming State Board of Nursing ("Wyoming Board") issued a Settlement Agreement, Stipulation and Order for Conditional License ("Wyoming Order") against Respondent's license to practice nursing in Wyoming, which is expressly incorporated herein by reference and made a part hereof. A true and correct copy of the Wyoming Order is attached hereto as Exhibit A.

B.2. The facts set forth in paragraph B.1 and contained more fully in the Wyoming Order are grounds for discipline for violating the laws and rules governing the
practice of nursing in the state of Idaho, including, but not limited to the laws and rules set forth below:

a. Idaho Code § 54-1413(1)(e) and IDAPA Rule 23.01.01.100.06 (a nurse shall not habitually use alcohol or drugs);

b. Idaho Code § 54-1413(1)(g) and IDAPA Rule 23.01.01.100.08 (a nurse shall not violate the Board's laws, rules or standards of conduct and practice);

c. Idaho Code § 54-1413(1)(i) and IDAPA Rule 23.01.01.100.10 (a nurse shall not have his/her license or privilege to practice nursing restricted, limited, revoked, or suspended, or otherwise disciplined, by any jurisdiction);

d. IDAPA Rule 23.01.01.101.04.e (a nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs); and

e. IDAPA Rule 23.01.01.101.05.f (a nurse shall respect the property of the patient and employer and shall not take or divert drugs without prior consent or authorization).

B.3. 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.

C. Stipulated Discipline

C.1. Respondent's license, N-37176, to practice nursing is SUSPENDED INDEFINITELY beginning on the date the Board executes this Stipulation. During the period of indefinite suspension, Respondent shall not practice nursing in Idaho. Respondent shall not seek reinstatement of her license until she has satisfied the requirements for reinstatement listed below. Upon reinstatement, the Board reserves the right to issue Respondent a limited license as stated below.

C.2. At such time as Respondent requests reinstatement of her license, she shall
comply with the requirements set forth in applicable statutes and rules, including Idaho Code § 54-1411(3). Respondent shall further comply with the provisions of IDAPA 23.01.01, Sections 61.04 and 120, as applicable. In addition, Respondent must submit the following information to the Board with any request for reinstatement:

a. Documentation from the Wyoming Board stating that Respondent has completed monitoring, satisfied the terms and conditions of the Wyoming Order, and not committed any further violations of the statutes and rules governing the practice of nursing in the state of Wyoming, as evidenced by a lack of further action by the Wyoming Board against Respondent.

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

c. Documentation of rehabilitation and competency to practice nursing evidenced by:

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

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

d. Any other requested information deemed necessary by the Board in its discretion to demonstrate Respondent's fitness to practice nursing.

After evaluation, the Board may deny Respondent’s request for reinstatement, grant reinstatement, or issue a limited license allowing Respondent to practice under specific terms and conditions. The Board reserves the right to assess investigative costs incurred in this matter as a condition of reinstatement.

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C.3. Limited License: Pursuant to IDAPA Rule 23.01.01.132, Respondent may be issued a limited license with Non-Practicing Status, Restricted Status, or a Single-State License upon reinstatement.

a. Non-Practicing Status: If the Board determines that Respondent is prevented from practicing nursing due to her health status, a Limited License with Non-Practicing Status may be issued to Respondent pursuant to IDAPA Rule 23.01.01.132.02. As set forth in IDAPA Rule 23.01.01.132.02(b), this license “does not entitle [Respondent] to engage in the active practice of nursing.” The non-practicing status may be lifted upon a showing to the satisfaction of the Board that Respondents is no longer prevented from safely practicing nursing due to her health status. See IDAPA Rule 23.01.01.132.02(c).

b. Restricted Status: If the Board determines that Respondent’s ability to practice nursing is restricted due to the health status of Respondent, a limited license with Restricted Status may be issued to Respondent pursuant to IDAPA Rule 23.01.01.132.03. Any conditions placed upon Respondent’s license shall incorporate the Idaho Board of Nursing Position on Safety to Practice in accordance with IDAPA Rule 23.01.01.132.03(c). The restricted status may be lifted upon a showing to the satisfaction of the Board that Respondent’s health status no longer restricts her ability to safely practicing nursing. See IDAPA Rule 23.01.01.132.03(d).

c. Single-State License: If a limited license is issued to Respondent, her license shall be a single-state license 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.

C.4. The Board reserves the right to assess investigative costs incurred in this matter as a condition of reinstatement, and to impose such other conditions upon Respondent’s reinstated license as the Board may deem appropriate in its discretion.
C.5. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. If Respondent fails to comply with any of the terms and conditions set forth in this Stipulation and Consent Order, the Board may order that Respondent’s nursing license be revoked or suspended indefinitely until such time as Respondent has come into compliance with the terms and conditions of this Stipulation and Consent Order. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation and Consent Order. Any action taken by the Board to enforce compliance with this Stipulation and Consent Order shall be in accordance with Section E. The Board may also require Respondent to pay any additional costs incurred by the Board to enforce this Stipulation and Consent Order.

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. The Board has authority to enforce compliance with the terms and conditions of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives her ability to challenge the Board’s authority to enforce compliance on appeal to a district court. If there is reason to believe Respondent has violated any of the terms or conditions of this Stipulation and Consent Order, the Executive Director of the Board shall file a Motion to Enforce setting forth the allegations of non-compliance. The Motion to Enforce will include notice to Respondent, and her attorney, if applicable, of the allegations of non-compliance and Respondent’s opportunity to request a hearing regarding the allegations of non-compliance. If Respondent fails to request a hearing, pursuant to the Motion to Enforce, any allegations of non-compliance will be deemed admitted.

E.2. If Respondent is found to have violated the terms and conditions of this Stipulation and Consent Order, Respondent’s license shall be revoked or suspended indefinitely until Respondent has come into compliance with the terms and conditions of the Stipulation and Consent Order as set forth in Section C.6 above. Any additional costs incurred by the Board in such enforcement action shall be the responsibility of Respondent.

E.3. If Respondent is found to have not violated the terms and conditions of this Stipulation and Consent Order, Respondent’s license shall be reinstated to the status of the license at the time the Motion to Enforce was filed.

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F. Waiver of Procedural Rights

I, Ahlea Martin, by affixing my signature hereto, acknowledge that:

F.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.

F.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 Idaho Administrative Procedure Act 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 this matter.

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

F.4. I understand that this Stipulation and Consent Order is the resolution of a contested case and is a public record.

F.5. I understand that this Stipulation contains the entire agreement between the parties, and I agree that I am 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 to me under Idaho law. I understand that the Board may 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

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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 _ day of _ , 2011.

Ahlea Martin
Respondent

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

DATED this 11th day of _ , 2011.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Andrew J. Snook
Deputy Attorney General

ORDER

Pursuant to Idaho Code §§ 54-1404 and 54-1413, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the _ day of _ , 2011. 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 21st day of July, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Ahlea Martin
5050 Timberline Rd.
Cheyenne, WY 82009

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

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

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

Linda Coley
Management Assistant
Idaho Board of Nursing