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

MICHAEL MATHES
PN-11185

_Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110_
Dear Mr. Mathes:

During their meeting on May 13, 1999, the Board of Nursing members took action to issue a formal Order of Revocation of license. Enclosed are the Findings of Fact, Conclusions of Law and Final Order.

The Order revoking your license became effective May 13, 1999. Please be advised that you may not practice nursing in the State of Idaho during the time your license is revoked.

Sincerely,

[Signature]

Sandra F. Evans, MAEd, RN
Dean

[Addressed to: Michael Mathes]

2314 N 20th Street
Boise, Idaho 83702

4a. Article Number: Z 273 760 232
4b. Service Type: Certified

[Date of Delivery: 5/24/99]
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of: ) Case No. 98-079
) ) FINDINGS OF FACT,
) ) CONCLUSIONS OF LAW,
) ) AND FINAL ORDER
) )
MICHAEL EUGENE MATHES, ) Respondent.
License No. PN-11185, )
) )
) )
) )
)

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho Board of Nursing (hereinafter the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent MICHAEL EUGENE MATHES ("Respondent") is a duly licensed nurse in the State of Idaho holding License No. PN-11185.

2. On or about November 13, 1998, Respondent voluntarily self reported his alcohol abuse problem to the Board.

3. On or about November 24, 1998, Respondent entered the Program for Recovering Nurses ("PRN"). On or about November 30, 1998, the Board issued Respondent a conditional limited license. A true and correct copy of the letter to Respondent regarding issuance of a conditional limited license is attached hereto as Exhibit 1.

4. On or about November 30, 1998, Respondent signed a voluntary surrender of licensure form admitting to violating the Nursing Practice Act. A true and correct copy of the voluntary surrender form signed by respondent is attached hereto as Exhibit 2.
5. On or about March 18, 1999, Respondent voluntarily withdrew from the PRN. A true and correct copy of notice from the PRN to the Board regarding Respondent’s withdrawal from the program is attached hereto as Exhibit 3.

6. On or about March 18, 1999, Respondent voluntarily surrendered his limited license. A true and correct copy of Respondent’s letter to the Board regarding his surrender of limited licensure is attached hereto as Exhibit 4.

7. On or about April 2, 1999, the PRN Advisory Committee reviewed Respondent’s file, and determined he requested withdrawal from the PRN monitoring program. A true and correct copy of the Advisory Committee recommendation is attached hereto as Exhibit 5.

8. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to him pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

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, and the rules and regulations promulgated by the Board thereunder.

2. Respondent’s admission of violations of the Nursing Practice Act and Rules constitutes grounds for revocation or suspension of Respondent’s license to practice nursing pursuant to Idaho Code § 54-1413(1)(e), 54-1413(1)(g), IDAPA 23.01.01100.06.

3. Respondent’s voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent’s license without further process pursuant to Idaho Code § 54-1413(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that Nursing License No. PN-9865 issued to Respondent MICHAEL EUGENE MATHES is

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 2
Revoked

Suspended _____ days/year(s) _____ indefinitely

based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that he present the following information to the Board with his application for reinstatement:

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

2. Documentation that he is rehabilitated and competent to practice nursing by submitting:
   a. A comprehensive drug/alcohol evaluation completed by a licensed mental health care provider at the time of application for reinstatement;
   b. A detailed summary of employment since licensure revocation or suspension;
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and

3. Evidence of financial compliance with NCPS and the Program for Recovering Nurses.

This order is effective immediately.

DATED this 12th day of May, 1999.

IDAHO BOARD OF NURSING

By Charles Moseley, CRNA
Chairman
NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLELY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

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 Board 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 Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date 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.

If respondent’s license was revoked, then pursuant to Board Rule 121, Respondent may apply to the Board for reinstatement one (1) year after the execution of this Order. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

If respondent’s license was suspended, then pursuant to Board Rule 120, Respondent may apply to the Board within a reasonable time after the execution of this Order, or as specified by the term of suspension. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17TH day of MAY, 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, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Michael Eugene Mathes
2314 N. 20th Street
Boise, ID 83702

Sandra Evans, M.A.Ed., R.N.
Executive Director
November 30, 1998

Michael Mathes  
1424 Loveland  
Boise, ID  83705

Dear Mr. Mathes:

We have received a letter from the Program for Recovering Nurses advocating for the issuance of a limited license. This license has been authorized for the period ending five years from the date of issuance, with conditions consistent with your Agreement with the Program for Recovering Nurses.

In addition to the conditions already in place, additional conditions may include:

1) Be employed only in a structured, supervised setting, with work site monitoring as provided for by the Board’s Program Coordinator. You may not begin employment until the work site monitor has been approved by the Program Coordinator.

Your file will continue to be monitored by the Program Coordinator for the duration of the limited licensure period. Of course, you may continue to communicate with this office as well by phone or in writing relative to the program or the conditions of limited licensure.

Sincerely,

SANDRA EVANS, M.A.Ed., R.N.  
Executive Director

SE:Ihc
VOLUNTARY SURRENDER OF LICENSURE

I

I, Michael E Mathes, admit that:

I am alcoholic and that until 7/14/98
I continued to use alcohol.

II

I understand and acknowledge that the admitted facts constitute grounds for disciplinary action under Section 54-1413, of the Nursing Practice Act, IDAHO CODE.

III

I hereby voluntarily surrender license number PN-11185 and I shall forthwith discontinue the practice of nursing in Idaho.*

IV

I hereby waive the right to a hearing concerning the foregoing admitted facts, and waive my rights under the provisions related to contested cases in the Administrative Procedures Act, Chapter 52, Title 67, IDAHO CODE.

Dated: 11/30/98

Signature of Licensee
1424 Loveland Boise
Address
Boise ID 83705
City, State, Zip

Dated: 11/30/98

Signature of Witness

*Licensee certificate not given.
To be mailed to BON. 11/30/98

Exhibit 2 1/89/93/98
Page 1 of 1
March 18, 1999

Sandy Evans
Board of Nursing
P.O. Box 83720
Boise, ID 83720-0061

RE: Michael Mathes

Dear Ms. Evans,

Today, Mr. Mathes brought us a letter stating that he is choosing to withdraw from the program to pursue his plans of traveling abroad and eventually moving to Nevada. He informed us that he also surrendered his license.

As of this date, Mr. Mathes is no longer involved in the PRN due to his withdrawal. Therefore, we are turning his case over to the Board of Nursing for any further action.

If you have any questions or concerns, please feel free to contact Kristie Cotner or me.

Sincerely,

John Southworth, CADC
PRN Coordinator
(208) 891-4726 cellular
(800) 729-0533 pager

cc: NCPS
Diagnostic Tools

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
3/18/99

TO: Idaho Board of Nursing

I am surrendering my LPN (Idaho) license to the board as of today.

My wife and I plan to travel for a number of months if possible and I would be unable to comply with Idaho's monitoring program. We are also planning to relocate to the Reno-Tahoe area to attend school.

Part of our travel plans include visiting different AA meetings in other areas. We also hoping to stop in at hospitals along the way to talk with alcoholics who still suffer. This is not related to my license but is part of how 12 step programs work.

My wife Jenny Mathes, MSW, CAAC has 9 years sober. We both pray daily for another day of sobriety together.

Thank you for your help & support in my recovery.

Michael E. Mathes LPN/EMT

Idaho Board of Nursing
LIMITED LICENSE
PN-11185
RN _____ PN xxxx

MICHAEL MATHES
1424 Loveland
BOISE, IDAHO 83705

Failure to comply with stipulated terms may result in withdrawal and disciplinary action.

Expires: 11/30/2003 (See Reverse)
TO: SANDRA EVANS, MAEd, RN
Executive Director
Idaho Board of Nursing

FROM: Analyn Frasure, LPN, Chairperson
Program for Recovering Nurses

DATE: APRIL 2, 1999

The file of Michael Mathes was reviewed at the Advisory Committee meeting on April 2, 1999, and found to be in non-compliance of recommendations because of the following:

Request to withdraw from the Program for Recovering Nurses

The Committee made the following recommendation(s):

Refer to Board for disciplinary action.

File reviewed by Executive Director:

[Signature] 4-6-99

Action Recommended to Board: Revoke license based on voluntary surrender

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.