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

DEAN MERRITT
N-35058

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 06-037
DEAN T. MERRITT, ) STIPULATION AND
License No. N-35058, ) 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 Dean T. Merritt (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. On or about August 31, 2005, Respondent applied for licensure by endorsement as a licensed professional nurse. On October 6, 2005, Respondent’s application was denied based in part on his failure to complete the Montana program for recovering nurses and the subsequent revocation of his Montana license. On October 21, 2005, Respondent requested a hearing on the denial.

3. After hearing before the Board on January 26, 2006, Respondent was granted a limited license for one year based upon certain conditions. A true and correct copy of the Board’s February 6, 2006, Order on Petition for Reconsideration is attached hereto as Exhibit A. Respondent was issued Limited License No. N-35058 on March 3, 2006. Conditions of Respondent’s limited license included monthly performance evaluations, urine drug screens at the Board’s request, attendance at Alcoholics
Anonymous/Narcotics Anonymous meetings at least twice per week, quarterly sponsor
reports, and abstaining from the use of any controlled substance or other drugs with
similar effect that are not prescribed.

4. On May 31, 2006, Respondent informed Board staff that he was mentally
unfit to practice nursing and wished to surrender his license.

5. 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 (f) and Board Rules (IDAPA 23.01.01) 100.06 and 100.07.

6. 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 his license as set forth in Section C below.

B.

I, Dean T. Merritt, 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.

STIPULATION AND CONSENT ORDER - 2
C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this Stipulation whereby:

1. Limited License No. N-35058 issued to Dean T. Merritt is hereby suspended indefinitely.

2. At such time as Respondent requests reinstatement of licensure, he 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 he is rehabilitated and competent to practice nursing by submitting:
      i. A comprehensive mental health evaluation completed by a qualified health care provider at the time of application for reinstatement, including an assessment of safety to practice.
      ii. A detailed summary of employment since licensure revocation or suspension; and
      iii. Documentation of activities engaged in to address mental health 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

STIPULATION AND CONSENT ORDER - 4
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 3rd day of July, 2006.

[Signature]
Dean T. Merritt
Respondent
I concur in this stipulation and order.

DATED this 16th day of J u l y , 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
CERTIFICATE OF SERVICE

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

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

DEAN MERRITT
2913 E 3600 N LOT 50
TWIN FALLS ID 83301

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

SENDERS: COMPLETE THIS SECTION

[Signature of Sender]
Printed Name:
Address:

DEAN MERRITT
2913 E 3600 N LOT 50
TWIN FALLS ID 83301

COMPLETE THIS SECTION ON DELIVERY

☐ Restricted Delivery?
☐ Yes
☐ No

☐ Certified Mail
☐ Express Mail
☐ Registered
☐ Return Receipt for Merchandise
☐ Insured Mail
☐ C.O.D.

☐ Service Type

☐ Article Addressed to:

☐ Article Number

☐ Transfer from service label

☐ Domestic Return Receipt

PS Form 3811, February 2004

STIPULATION AND CONSENT ORDER - 7