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

Jeanne Muller
Jeanne Muller  
15165 Daniel Street  
Caldwell ID 83607  

Dear Ms. Muller:  

During their meeting on July 22-23, 2010, 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to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-18803 was revoked for a period of two (2) years. 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 23, 2010. 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:lhc  
enclosure
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
JEANNE MULLER, 
License No. N-18803, 
Respondent.  
)  
Case No. BON 10-010  
)  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
)  
FINAL ORDER  
)

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

FINDINGS OF FACT

1. Jeanne Muller ("Respondent") has been licensed by the Idaho State Board of Nursing under License No. N-18803 to engage in the practice of nursing in the State of Idaho.

2. On February 4, 2010, Respondent voluntarily surrendered her license, admitting that she had been terminated from her employment at St. Alphonsis Regional Medical Center after she had admitted to diverting Fentanyl for her personal use. 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 Voluntary Surrender of License is attached hereto as Exhibit A.

3. On or about February 10, 2010, the Board received a Report of Violation of the Nurse Practice Act from Respondent's employer, St. Alphonsis Regional Medical Center in Boise, Idaho. The report stated that on Respondent had admitted to diverting Fentanyl over an eighteen (18) month period for her personal use. Respondent admitted that she had also taken Valium, Versed and oral narcotics for her personal use. Respondent's employer performed a urinalysis, which was positive for Fentanyl. Respondent was terminated from her employment on January 26, 2010.

4. On or about April 22, 2010, the PRN notified the Board that Respondent
failed to enroll in PRN. PRN sent an enrollment packet to Respondent on April 2, 2010, and was given a deadline to return the required documentation by April 19, 2010. A true and correct copy of the April 22, 2010, letter from PRN to the Board is attached hereto as Exhibit B.

5. On May 7, 2010, Board staff sent Respondent a letter allowing her until May 18, 2010, to submit the enrollment paperwork to PRN and that failure to do so would result in this matter being referred to the Board for formal disciplinary action. The certified mailing receipt indicates that this letter was received at Respondent’s address on May 12, 2010. A true and correct copy of the May 7, 2010, letter from Board staff to Respondent, along with the certified mailing receipt, is attached hereto as Exhibit C.

6. On May 20, 2010, the PRN notified the Board that Respondent failed to return the required enrollment paperwork by May 18, 2010. A true and correct copy of the May 20, 2010, letter from the PRN to the Board is attached hereto as Exhibit D.

7. On May 20, 2010, Board staff sent Respondent a letter notifying her that because she failed to submit the enrollment paperwork to PRN by May 18, 2010, her case would be considered by the Board for formal disciplinary action at its July 22-23, 2010, meeting. The certified mailing receipt indicates that this letter was received at Respondent’s address on May 25, 2010. A true and correct copy of the May 20, 2010, letter from Board staff to Respondent, along with the certified mailing receipt, is attached hereto as Exhibit E.

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-18803 is conditioned upon her complying with the laws and rules of the Idaho State Board of Nursing.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 2
3. Respondent admitted to diverting Fentanyl and other medications for her personal use from her employer without prior consent or authorization from her employer, and tested positive for the presence of Fentanyl in her system.

4. Respondent voluntarily surrendered her license and agreed to enroll in and comply with the terms of the PRN. She has failed to enroll in the PRN.

5. Respondent’s acts as set forth above constitute violations of the laws and rules governing the practice of nursing in the State of Idaho; specifically:
   a. Idaho Code § 54-1413(1)(e) and Board Rule (IDAPA 23.01.01) 100.06 (a nurse shall not habitually use alcoholic beverages 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. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character that is likely to deceive, defraud or endanger patients or the public);
   d. Board Rule 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. Board Rule 101.05.c (a nurse shall be responsible and accountable for her nursing judgments, actions and competence).
   f. Board Rule 101.05.f (a nurse shall respect the property of the patient and employer and shall not take or divert equipment, materials, property, or drugs without prior consent or authorization).

6. 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.
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-18803 issued to Jeanne Muller is hereby:
   - [X] Revoked: 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.
   - [___] Suspended: _____ days _____ year(s) _____ indefinitely.

   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. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) Respondent shall further comply with the provisions of IDAPA 23.01.01, Sections 61.04 and 120, as applicable. 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 she is rehabilitated and competent to practice nursing by submitting:
      i. A comprehensive drug/alcohol evaluation completed by a Board-approved health care provider 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 documentation of an active recovery program; and
   c. Any other information requested deemed necessary by the Board in its discretion to demonstrate Respondent's fitness to practice nursing.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 4
3. The Board reserves the right to hold additional hearings should Respondent seek reinstatement of her license.

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.

This order is effective immediately.

DATED this 3rd day of July, 2010.

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 issuance 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 24th day of July, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Jeanne Muller
15165 Daniel Street
Caldwell, ID 83607

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

Karin Magnelli
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
Board of Nursing
RULE 132
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

1. Jeanette Mullen, by affixing my signature hereto, acknowledge that:

   1. I admit that I have engaged in the following conduct: diverted Fentanyl from Saint Alphonsus hospital for personal use result in being terminated from employment.

   2. I understand that the admitted facts constitute grounds for disciplinary action pursuant to the Nursing Practice Act, Idaho Code, §54-1413 (1) and the rules of the Board, IDAPA 23.01.01, et seq. I also understand that the Board of Nursing has the authority to accept this voluntary surrender pursuant to Idaho Code §54-1404(2).

   3. I am aware that, without my consent, no legal action can be taken against me, except pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.

   4. I understand that I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, to present evidence and testimony on my behalf, to compel the testimony of witnesses, and to cross-examine witnesses against me; and

   5. I waive all such rights, including the right to a formal disciplinary hearing.

   6. I also waive the right to challenge the Board for bias in the event that charges concerning these admitted facts or any other matter involving my license are brought before the Board.

   7. In lieu of a formal disciplinary hearing, I voluntarily surrender my license on a temporary basis. Attached is my license, number RN License 18803; I agree to immediately discontinue the practice of nursing in Idaho.

   8. I will enter treatment as required by the Board, and fully participate in the Program for Recovering Nurses (PRN) monitoring program. I will resume the practice of nursing only at such time as a conditional limited license has been issued to me. If I do not fully participate in and cooperate with the PRN, the Board may enter an order revoking or otherwise disciplining my license, including any conditional license that may have been issued, without further notice or hearing or other process given to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as "surrendered".

DATED 4 Feb 10

Signature of Licensee
1516 St. Dr, 117th E7
Address
Caldwell, ID 83607
City, State, Zip

Dated 2/4/10 2 Pm

Signature of Witness

Page 1 of 2
State of Idaho
Board of Nursing

This is to certify that:

JEANNE MULLER
15165 DANIEL ST
Caldwell, ID 83607

has complied with the requirements of the law and is entitled
to practice as a LICENSED PROFESSIONAL NURSE (RN)

Valid when signed by licensee.

License Number
N-18803
Expires: August 31, 2011
April 22, 2010

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Jeanne Muller

Dear Ms. Evans.

This letter is being sent to notify you that Ms. Jeanne Muller, a Board of Nursing referral, has failed to return her Program for Recovering Nurses (PRN) contract.

Ms. Muller was sent her contract and all other pertinent information in order to enroll in the PRN on April 2, 2010. At that time she was given a deadline to get this information back to our office by April 19, 2010. As of this date, PRN has not received any of the required information, including her contract.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555 ext. 101.

Sincerely,

Ashley Gochnour
Compliance Monitor
Southworth Associates

Cc: Jeanne Muller
Jeannie Muller  
15165 Daniel Street  
Caldwell ID 83607  

Dear Ms. Muller:

We have been notified by the Program for Recovering Nurses that you have failed to return your Program for Recovering Nurses (PRN) contract. You were sent the contract and other pertinent information on April 2, 2010. The contract is necessary for enrollment in this program.

It will be necessary for you to return the signed contract to your compliance monitor within the next ten (10) days – no later than May 18th – to enroll in this alternative to discipline program. Failure to follow through with the enrollment process, will result in your Temporary Voluntary Surrender of License being presented to the members of the Board of Nursing for formal disciplinary action.

Please contact me if you have any questions regarding the evaluation or the Program.

Sincerely,

[Signature]

SANDRA EVANS, MA.Ed, RN  
Executive Director  

SE:the
sender: complete this section

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. article addressed to:

jeanne muller
15165 daniel street
 Caldwell id 83607

2. article number
(transfer from service label)
009 0820 0000 2302 0846

completed this section on delivery

a. signature

jeanne muller

b. received by (printed name)

muller

agent

address:

c. date of delivery

10 may 13

10 08:38

10 08:38

2010

2010

3. service type

- certified mail
- express mail
- registered
- return receipt for merchandise
- insured mail
- c.d.

4. restricted delivery? (extra fee)

no

yes

ps form 3811, february 2004

102595-02-m-1540

domestic return receipt
May 20, 2010

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Jeanne Muller

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Jeanne Muller, a Board of Nursing referral, has failed to return her Program for Recovering Nurses (PRN) contract.

Ms. Muller was sent her contract and all other pertinent information in order to enroll in the PRN on April 2, 2010. After previously failing to return the required information Ms. Muller’s deadline was extended. As of this date, PRN has still not received any of the required documents, including her contract.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555 ext. 101.

Sincerely,

[Signature]

Ashley Gochnour
Compliance Monitor
Southworth Associates

Cc: Jeanne Muller
Jeanne Muller  
15165 Daniel Street  
Caldwell ID 83607

Dear Ms. Muller:

Our records indicate that you submitted a Temporary Voluntary Surrender of License form on February 4, 2010, and agreed to fully participate in the Program for Recovering Nurses (PRN) monitoring program. You were directed by letter of February 10, 2010 to contact the Program Coordinator within seven (7) days of receipt of the Board’s letter. The certified letter was signed for on February 12, 2010.

Although you did contact the PRN monitoring program office, and received a contract, you failed to sign and return the contract during the designated time frame (by April 19, 2010). You have also failed to respond to the Board of Nursing’s certified letter of May 7, 2010 (delivery signed for on May 12, 2010), directing you to submit your signed contract no later than May 18, 2010.

Because of your continuing non-compliance, your file will be placed on the agenda for the July 22-23, 2010, meeting of the Board of Nursing. Following the meeting, you will be informed of the Board’s decision regarding your license.

Please contact this office if you have questions concerning this information.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:lhC  
Cc: Southworth Associates

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.