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

KIRSTINE McALLISTER
PN-12118
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of:  )  Case No. 01-074

KRISTINE JOYCE ALLEN McALLISTER  )  FINDINGS OF FACT,
License No. PN-12118,  )  CONCLUSIONS OF LAW,
)  AND FINAL ORDER

Respondent.  )

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 Kristine Joyce Allen McAllister (“Respondent”) is a duly licensed nurse in the State of Idaho holding License No. PN-12118.

2. On or about December 14, 2001, the Board received information from the Respondent’s employer that the Respondent had tested positive during a breath and blood test for alcohol.

3. On or about January 20, 2002, Respondent voluntarily surrendered her license. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 1.

4. Respondent agreed upon signing the form to enter the Program for Recovering Nurses; however, she failed to do so. A true and correct copy of the letter of non-compliance from the PRN Coordinator is attached hereto as Exhibit 2.

5. Following their regular meeting on April 12, 2002, the PRN Advisory Committee issued a Report of Non-Compliance with the Contract for Monitoring. A true and correct copy of the Report of Non-Compliance is attached hereto as Exhibit 3.
6. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent 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. The allegations in the complaint, if proven, would constitute violations of the Nursing Practice Act and Rules and constitute grounds for revocation or suspension of Respondent's license to practice nursing pursuant to Idaho Code § 54-1413(1)(e), and IDAPA 23.01.01.100.06, and 100.08.

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-12118 issued to Respondent Kristine Joyce Allen McAllister is

x 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 she present the following information to the Board with her application for reinstatement:

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER - 2
2. Documentation that she is rehabilitated and competent to practice nursing by submitting:
   a. A comprehensive drug/alcohol evaluation completed by a qualified mental health care provider at the time of application for reinstatement;
   b. A detailed summary of employment since licensure revocation or suspension; and
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.
   d. Evidence of financial compliance with NCPS and the PRN program.

The Board reserves the right to assess investigative costs and attorney’s fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 16th day of May, 2002.

IDAHO BOARD OF NURSING

By Charles Moseley, CRNA
Chair

NOTICE OF AVAILABLE RIGHTS

If respondent’s license was revoked, then pursuant to Board Rule 120.06, Respondent may not apply to the Board for reinstatement for two (2) years after the date of execution of this Order unless the Order specifies otherwise. At the time of application, the Board may conduct further evidentiary hearings pursuant to Board Rule 120 to determine whether to deny reinstatement, grant a reinstatement, or issue a license permitting the applicant to practice nursing under specified terms and conditions.

If respondent’s license was suspended 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 pursuant to Board Rule 120 to determine whether to deny reinstatement, grant a reinstatement, or issue a license permitting the applicant to practice nursing under specified terms and conditions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 2002, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER addressed as follows:

Kristine McAllister
259 Pheasant Road, West #67
Twin Falls ID 83301

X U.S. Mail, postage prepaid
X Certified U.S. Mail, return receipt
— Hand Delivery
— Overnight Mail
— Facsimile:
— Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
RULE 132
VOLUNTARY SURRENDER OF LICENSE

I, Kristine McNallister, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: ____________________________

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 §54-1413(2)(a).

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 hereby voluntarily surrender license number PN-12118 and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132, I agree to enter treatment immediately, to participate in a monitoring program and to resume the practice of nursing only at such time as a conditional limited license has been issued to me.

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

DATED: 1-20-02

Signature of Licensee
295 Pheasant Rd, w. #67
Twin Falls, ID 83301
City, State, Zip

DATED: 6/99-PRN

Signature of Witness

EXHIBIT NO: 1
April 2, 2002

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

RE: Kristine McAllister (Malberg)

Dear Ms. Evans,

This letter is to notify you that Ms. Kristine McAllister has not yet signed a contract with PRN as a board referral.

On January 3, 2002, a the PRN office received a copy of the letter sent to Ms. McAllister by the Board of Nursing asking her to contact PRN to enroll in the program. PRN attempted to contact Ms. McAllister, but she did not obtain contact with this office until February 22. Ms. McAllister was sent a revised contract, and was asked to return it by March 15. Because Ms. McAllister also owes PRN $85, she was told that she needed to pay in full by March 29. She was also informed that she must begin calling in to NCPS by March 15. To this date, Ms. McAllister has not returned her contract, paid PRN, or begun calling in regularly to NCPS for UA testing.

Because of the above explanation, we do not feel that Ms. McAllister intends to sign a contract with the PRN, and we feel we must report this situation to you. If you have any questions or concerns, please feel free to contact me or Theresa Bruening, PRN Compliance Monitor.

Sincerely,

John Southworth, CADC, AIS
PRN Coordinator
(208) 891-4726 cellular
(800) 386-1695 toll free

cc: Kristine McAllister (Malberg)

EXHIBIT NO: 2

305 West Jefferson—Boise Idaho
Office: (208) 342-5319 Toll free: (800) 386-1695 Cellular: (208) 891-4726
TO: SANDRA EVANS, MAEd, RN
   Executive Director
   Idaho Board of Nursing

FROM: Karen Ellis, RN, Chairperson
      Program for Recovering Nurses

DATE: April 12, 2002

The file of kristine McAllister was reviewed at the Advisory Committee meeting on April 12, 2002, and found to be in non-compliance of recommendations because of the following:

    Failure to return the revised Contract for Monitoring and comply with all recommendations.

The Committee made the following recommendation(s):

    Refer to Board for disciplinary action.

File reviewed by Executive Director:

Signature

Date

Action Recommended to Board: further resolution

EXHIBIT NO: 3