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

NANCY JIMENEZ-NEEPER
N-33595
BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL NURSE LICENSE NO: RN087537
ISSUED TO:

NANCY LEE JIMENEZ
RESPONDENT

CONSENT AGREEMENT
AND ORDER NO: 0202010

CONSENT AGREEMENT

A complaint charging Nancy Lee Jimenez (hereinafter "Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing (hereinafter "Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent is the holder of professional nurse license number RN087537.

2. On February 8, 2002, Respondent contacted Board to self-report. On or about February 21, 2002, Respondent met with CANDO staff to enter CANDO. Respondent reported that she had 5 and one-half years of sobriety and relapsed using alcohol and eventually, marijuana, the end of October 2001. Respondent also reported that on February 5, 2002, a co-
worker accused of drinking on the job. Respondent submitted to a breathalyzer and urine drug screen (UDS). Respondent reported that the breathalyzer was negative but she tested positive in the UDS for marijuana use.

3. On or about February 8, 2002, Respondent was terminated from employment at Valley Lutheran Medical Center in Mesa, Arizona, for a urine drug screen that was positive for marijuana.

4. On or about February 21, 2002, Respondent signed a CANDO Stipulated Agreement, which in part, required her to participate in relapse prevention, attend AA/NA and nurse recovery group, submit to random UDS, and limited access to narcotics for 6 months.

5. On or about April 10, 2002, Respondent contacted Board staff and disclosed that she drank alcohol over a 4 day period, and that she had been feeling suicidal. Respondent reported that she underwent detoxification at St. Luke’s Hospital in Phoenix, Arizona.

6. On or about April 15, 2002, Respondent re-entered into treatment at ADAPT in Phoenix, Arizona.


8. On September 18, 2002, Respondent reported that she provided false information to Board staff regarding her sobriety. Respondent
stated she did not refrain from drinking alcohol and did not have 5 years of sobriety and continued to drink while participating in CANDO.

**CONCLUSIONS OF LAW**

1. Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. §§ 32-1663 (D) as defined in 32-1601(14)(d), (g), (i), and (j), and A.A.C. R4-19-403(12) and (25).

3. The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as a professional nurse in the State of Arizona.

   Respondent admits the Board’s Findings of Fact and Conclusions of Law.

   In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 11 of Terms of Suspension and Paragraph 16 of Terms of Probation of the Order.

   Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board’s file concerning this matter.
Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and Respondent. The effective date is the date the Consent Agreement is signed by the Board and Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

\[ \text{Nancy Jimenez} \]
Respondent
Dated: \[10/11/02\]

ARIZONA STATE BOARD OF NURSING

\[ \text{Joey Ridenour, R.N., M.N.} \]
Executive Director
Dated: June 6, 2002
ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing are accepted.

B. Respondent's license is placed on suspension for an indefinite period of time pending completion of 12 consecutive months of compliance with the terms followed then by 36 months standard chemical dependency probation.

C. This Order becomes effective upon the Board and the Respondent's acceptance of the Consent Agreement. The effective date is the date the Consent Agreement is signed by the Board and the Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

D. The suspension is subject to the following terms and conditions:

TERMS OF SUSPENSION

1. Surrender of License

Respondent agrees to immediately surrender Respondent's license to the Board and will not practice nursing for an indefinite period and pending the completion of twelve consecutive months of compliance with all of the terms of suspension.
2. **Relapse Prevention Evaluation**

Prior to the termination of the Suspension, Respondent shall be evaluated by a Board approved relapse prevention therapist. Prior to the evaluation, Respondent shall provide a complete copy of the Findings of Fact, Conclusions of Law and the Order, and the relapse prevention therapist shall verify receipt of the Order in writing in a report on letterhead to the Board. Respondent shall execute the appropriate release of information forms, to allow the evaluator to communicate with the Board or its designee. The report from the relapse prevention evaluator should include a history of substance abuse, past treatment, present status of recovery and participation in recovery activities, and recommendations for on-going treatment. Respondent will complete all recommendations as recommended by the relapse prevention evaluator, and the Board reserves the right to amend the Order based on the recommendations of the relapse prevention therapist.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to
communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program.

3. **Aftercare Program**

Within 7 days of the effective date of this Order, Respondent shall enter and must successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry into the program. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, for the remainder of the probationary period or until completion of the aftercare program.
4. **Relapse Prevention Therapy**

Prior to the termination of Suspension, Respondent shall enter a Board approved Relapse Prevention Therapy Program. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the facilitator. Within ten days of entering treatment, Respondent shall cause the facilitator to submit to the Board written verification of Respondent's enrollment in the Program, and verification of receipt of Respondent's entire Consent Agreement. Thereafter, Respondent shall cause the facilitator to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the facilitator provides written notification to the Board, indicating that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professionals.

5. **Nurse Recovery Group**

Prior to the completion of suspension, Respondent shall enroll in a Board acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall participate weekly in a Nurse Recovery Group, for a consecutive period of no less than 12 months, and Respondent's participation shall be satisfactory as evidenced by no documented "unexcused" absences. Respondent shall immediately execute the appropriate release of information
form allowing the group facilitator to inform the Board of Respondent's entry into the group. Respondent shall also cause the group facilitator to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory weekly attendance and participation in the group, as well as discharge from the group. Such reports are due beginning thirty days after entry into the group and quarterly thereafter according to schedule for the remainder of the Order.

6. Participation in AA/NA

(a) Prior to the completion of suspension, Respondent shall participate at least weekly, for a consecutive period of no less than 12 months, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall provide to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her sponsor. The first report is due commencing the month after the effective date of this Order and quarterly thereafter.

(b) Prior to the completion of suspension, if participating in a twelve-step program, and for a consecutive period of no less than twenty-four months, Respondent shall obtain and maintain a permanent sponsor.

7. Drug Testing

Prior to the completion of Suspension, Respondent shall enroll in a program, which meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month, for a consecutive period of no less than 12 months, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug
testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent’s employer by the Board.

8. **Abstain from Alcohol Use**

   Respondent shall completely abstain from the use of alcohol.

   Violation of this paragraph is noncompliance with the Order.

9. **Abstain from Drug Use**

   Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription. Violation of this paragraph is noncompliance with the Order.
10. **Drug Use Exception**

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent’s history of substance use, awareness of Respondent’s Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent’s medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent’s history of substance use and of the existence of the Order. **DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT’S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL**
BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE
OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled
substance, Respondent shall cause her prescribing provider to provide monthly
reports to the Board regarding the continued need for the prescribed narcotic
or mood-altering medications within 7 days of the 30th day of each month. The
Board or its designee may, at any time, request the provider to document the
continued need for prescribed medications. Such report from the provider
shall be received by the Board within 14 days of the request. Respondent shall
keep a written record of medications taken, including over-the-counter drugs,
and produce such record upon request by the Board or its designee. Failure to
comply with the provisions of this paragraph shall be considered as
noncompliance with terms of the Order.

11. Violation of Suspension

If Respondent violates suspension in any respect, the Board,
after giving Respondent notice and the opportunity to be heard, may revoke
Respondent's license or take other disciplinary action. If a complaint is filed
against Respondent during suspension, the Board shall have continuing
jurisdiction until the matter is final, and the period of suspension shall be
extended until the matter is final.

12. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily
request surrender of her license.
13. Completion of Suspension

Following successful completion of relapse/recovery evaluation, and 12 months consecutive compliance and all recommendations made by the evaluator to be completed prior to completion of suspension, Respondent shall be placed on probation for 36 months. Respondent shall work as a professional nurse for a minimum of twelve months with six of these months being continuous employment (not less than sixteen hours a week) subject to the following terms and conditions:

**STIPULATIONS APPLICABLE TO SUSPENSION AND PROBATION**

1. **Renewal of License**

   In the event the license is scheduled to expire during the period of suspension or probation, Respondent shall apply for renewal of the license, pay the applicable fee and otherwise maintain qualification to practice nursing in Arizona.

2. **Release of Information Forms**

   Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

3. **Interview With the Board or Its Designee**

   Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
4. **Change of Employment/Personal Address/Telephone Number**

   Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

5. **Obey All Laws**

   Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil traffic violations are excluded.

6. **Costs**

   Respondent shall bear all costs of complying with this Order.

**TERMS OF PROBATION**

1. **Stamping of License**

   Upon successful completion of the terms of suspension, as determined by the Board or its designee, Respondent shall be issued a license stamped "PROBATION." While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "Probation."

2. **Relapse Prevention Evaluation**

   Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a certified relapse prevention therapist, and, if recommended by the therapist, Respondent shall enter, participate regularly and successfully complete a
relapse prevention program, or any other recommendations as designated by the relapse prevention evaluator.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order, and Exhibit A, to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or it's designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program. Failure to comply with stipulations of paragraph shall be considered as non-compliance with the Consent Agreement.
3. **Nurse Recovery Group**

Throughout the term of this Order, Respondent shall continue and participate weekly in a Board acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall execute the appropriate release of information form allowing the group facilitator to inform the Board of Respondent’s entry into the group. Respondent shall also cause the group facilitator to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory weekly attendance and participation in the group, as well as discharge from the group. The nurse recovery group facilitator files such reports each month. If the facilitator documents an “unexcused” absence for Respondent that shall be considered as non-compliance with the consent agreement.

4. **Participation in AA/NA**

   (a) Throughout the term of this Order, Respondent shall participate at least weekly, or as recommended by the rehabilitation program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initiated by their sponsor. The first report is due commencing the first quarterly reporting date after the effective date of the consent agreement and quarterly thereafter according to the assigned reporting dates.

   (b) Throughout the term of this Order, Respondent shall obtain a temporary sponsor if participating in a twelve-step program and a
permanent sponsor within 60-90 days of the effective date of the Order.

Respondent shall maintain a sponsor relationship throughout the terms of this Order. Failure to comply with stipulations as enumerated in sections (a) and (b) is noncompliance with the Order.

5. **Drug Testing**

Throughout the term of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug
shall result in immediate notification of Respondent's employer by the Board, and is noncompliance with the Order.

6. **Abstain from Alcohol Use**

   Respondent shall completely abstain from the use of alcohol. Violation of this paragraph is noncompliance with the Order.

7. **Abstain from Drug Use**

   Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription. Violation of this paragraph is noncompliance with the Order.

8. **Drug Use Exception**

   Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of
information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. **DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.**

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause his/her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within 7 days of the 30th day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within 14 days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee. Failure to comply with the provisions of this paragraph shall be considered as noncompliance with terms of the Order.
9. **Notification of Practice Settings**

Any setting in which Respondent accepts employment shall be provided with a copy of this Consent Agreement and Order to include the Findings of Fact, Conclusions of Law, Order and Terms of Suspension and Probation, and Exhibit A and informed of the probationary status of Respondent’s license at or before the date of hire. Within ten days of Respondent’s employment on probationary status, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the employer’s receipt of a copy of this Consent Agreement and Order and the employer’s ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program’s receipt of a copy of the Order and the program’s ability to comply with the conditions of probation during clinical experiences.

10. **Quarterly Reports**

Within 30 days after the effective date of this Order, and quarterly thereafter, Respondent shall cause every employer Respondent has worked for during the quarter to submit to the Board, in writing, employer evaluations, on the Board-approved form. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or
disciplinary action or termination from a place of employment shall constitute a violation of this paragraph. In the event Respondent is not employed in nursing, or attending school, during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities, on the Board-approved form.

11. Access to Drugs

Respondent shall not administer or have access to controlled substance and/or any other potentially addictive substance, including but not limited to, Nubain and Stadol medications, at least during the first six months of her probationary status. Upon evidence of full compliance with the probationary terms the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled substance.

12. Practice Under Direct Supervision

Respondent shall practice as a professional nurse, only under the direct supervision of a professional nurse in good standing with the Board. Direct supervision is defined as having a professional nurse present on the same unit with the Respondent whenever Respondent is practicing as a professional nurse. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law.
In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

13. Acceptable Hours of Work

Respondent shall work only the day of evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Failure to comply with the provisions of this paragraph shall be considered as noncompliance with the terms of the Order.

14. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.
15. **Voluntary Surrender of License**

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

16. **Violation of Probation**

If Respondent is noncompliant with this agreement in any respect, the Board staff may notify the Respondent’s employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this agreement after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. **Reevaluation of Conditions**

In the event Respondent does not work in nursing within two years of the effective date of this Probation, Respondent may appear before the Board for reevaluation of the probationary conditions.

18. **Completion of Probation**

When Respondent has nine months left in the probationary period Respondent’s compliance will be reviewed by the Board’s designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a “stepdown” component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to “on-call” urine drug screens as
requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request formal review by the Board, and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director

Dated: June 6, 2002

JR/SN:dh

COPY mailed this 3rd day of September, 2002 by First Class Mail to:

Nancy Lee Jimenez
C/O ADAPT
Attn: Melaine Wall
202 East McDowell Road, No. 255
Phoenix, Arizona 85004

COPY mailed this 20th day of September, 2002 by First Class Mail to:

Nancy Lee Jimenez
C/O ADAPT
Attn: Melaine Wall
202 East McDowell Road, No. 255
Phoenix, Arizona 85004

By: [Signature]
Legal Secretary
On or about October 10, 2002, Nancy Lee Jimenez (hereinafter Respondent), made a request to the Arizona State Board of Nursing regarding a change in Paragraph "14" of her Consent Agreement and Order No. 0202010, Terms of Probation, dated October 1, 2002. On November 8, 2002, the Board considered Respondent's request and based on Respondent's progress and compliance with the October 1, 2002, Consent Agreement and Order No. 0202010 voted to amend the Order to allow Respondent to complete her probation in the state of California.

Paragraph "14" in the Terms of Probation in Consent Agreement and Order No. 0202010 states:

**Out-Of-State Practice/Residence**

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.
AMENDMENT

Paragraph "14" of the Terms of Probation in Consent Agreement and Order No. 0202010 is hereby amended to state:

Out-Of-State Practice/Residence

Respondent may complete probation in California, but before any other out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

All other requirements of the Consent Agreement dated October 1, 2002, remain in effect.

[Nancy Jimenez]
Respondent

Dated: 11/3/03

ARIZONA STATE BOARD OF NURSING

Joey Ridenour, R.N., M.N.
Executive Director

Dated: November 8, 2002
COPY mailed this 26TH day of November, 2002, by First Class Mail to:

Nancy Lee Jimenez
74800 Sheryl Avenue, No. 5-3
Palm Desert, California  92260

COPY mailed this 30TH day of October, 2003, by First Class Mail to:

Nancy Lee Jimenez
82-800 Crawford Drive
Indio, California 92201

By:  
[Signature]
Legal Secretary
BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL NURSE LICENSE NO: RN087537
ISSUED TO: NANCY LEE JIMENEZ
RESPONDENT

CONSENT AGREEMENT AND ORDER NO: 0202010

CONSENT AGREEMENT

A complaint charging Nancy Lee Jimenez (hereinafter "Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing (hereinafter "Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent is the holder of professional nurse license number RN087537.

2. On February 8, 2002, Respondent contacted Board to self-report. On or about February 21, 2002, Respondent met with CANDO staff to enter CANDO. Respondent reported that she had 5 and one-half years of sobriety and relapsed using alcohol and eventually, marijuana, the end of October 2001. Respondent also reported that on February 5, 2002, a co-
worker accused of drinking on the job. Respondent submitted to a breathalyzer and urine drug screen (UDS). Respondent reported that the breathalyzer was negative but she tested positive in the UDS for marijuana use.

3. On or about February 8, 2002, Respondent was terminated from employment at Valley Lutheran Medical Center in Mesa, Arizona, for a urine drug screen that was positive for marijuana.

4. On or about February 21, 2002, Respondent signed a CANDO Stipulated Agreement, which in part, required her to participate in relapse prevention, attend AA/NA and nurse recovery group, submit to random UDS, and limited access to narcotics for 6 months.

5. On or about April 10, 2002, Respondent contacted Board staff and disclosed that she drank alcohol over a 4 day period, and that she had been feeling suicidal. Respondent reported that she underwent detoxification at St. Luke’s Hospital in Phoenix, Arizona.

6. On or about April 15, 2002, Respondent re-entered into treatment at ADAPT in Phoenix, Arizona.


8. On September 18, 2002, Respondent reported that she provided false information to Board staff regarding her sobriety. Respondent
stated she did not refrain from drinking alcohol and did not have 5 years of
sobriety and continued to drink while participating in CANDO.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the
Board has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in the Findings of
Fact constitute violations of A.R.S. §§ 32-1663 (D) as defined in 32-1601(14)(d),
(g), (i), and (j), and A.A.C. R4-19-403(12) and (25).

3. The conduct and circumstances described in the Findings of
Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke,
suspend or take other disciplinary action against the license of Respondent to
practice as a professional nurse in the State of Arizona.

Respondent admits the Board’s Findings of Fact and Conclusions
of Law.

In lieu of a formal hearing on these issues, Respondent agrees to
issuance of the attached Order and waives all rights to a hearing, rehearing,
appeal or judicial review relating to the Order except in the limited
circumstance(s) specified in Paragraph 11 of Terms of Suspension and
Paragraph 16 of Terms of Probation of the Order.

Respondent understands that all investigative materials prepared
or received by the Board concerning these violations and all notices and
pleadings relating thereto may be retained in the Board’s file concerning this
matter.
Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and Respondent. The effective date is the date the Consent Agreement is signed by the Board and Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Respondent

Dated: 10/1/02

ARIZONA STATE BOARD OF NURSING

Joey Ridenour, R.N., M.N.
Executive Director

Dated: June 6, 2002
ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing are accepted.

B. Respondent's license is placed on suspension for an indefinite period of time pending completion of 12 consecutive months of compliance with the terms followed then by 36 months standard chemical dependency probation.

C. This Order becomes effective upon the Board and the Respondent's acceptance of the Consent Agreement. The effective date is the date the Consent Agreement is signed by the Board and the Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

D. The suspension is subject to the following terms and conditions:

TERMS OF SUSPENSION

1. Surrender of License

Respondent agrees to immediately surrender Respondent's license to the Board and will not practice nursing for an indefinite period and pending the completion of twelve consecutive months of compliance with all of the terms of suspension.
2. **Relapse Prevention Evaluation**

Prior to the termination of the Suspension, Respondent shall be evaluated by a Board approved relapse prevention therapist. Prior to the evaluation, Respondent shall provide a complete copy of the Findings of Fact, Conclusions of Law and the Order, and the relapse prevention therapist shall verify receipt of the Order in writing in a report on letterhead to the Board. Respondent shall execute the appropriate release of information forms, to allow the evaluator to communicate with the Board or its designee. The report from the relapse prevention evaluator should include a history of substance abuse, past treatment, present status of recovery and participation in recovery activities, and recommendations for on-going treatment. Respondent will complete all recommendations as recommended by the relapse prevention evaluator, and the Board reserves the right to amend the Order based on the recommendations of the relapse prevention therapist.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to
communicate information with the Board or it's designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program.

3. **Aftercare Program**

Within 7 days of the effective date of this Order, Respondent shall enter and must successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry into the program. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, for the remainder of the probationary period or until completion of the aftercare program.
4. **Relapse Prevention Therapy**

Prior to the termination of Suspension, Respondent shall enter a Board approved Relapse Prevention Therapy Program. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the facilitator.

Within ten days of entering treatment, Respondent shall cause the facilitator to submit to the Board written verification of Respondent's enrollment in the Program, and verification of receipt of Respondent's entire Consent Agreement. Thereafter, Respondent shall cause the facilitator to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the facilitator provides written notification to the Board, indicating that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professionals.

5. **Nurse Recovery Group**

Prior to the completion of suspension, Respondent shall enroll in a Board acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall participate weekly in a Nurse Recovery Group, for a consecutive period of no less than 12 months, and Respondent's participation shall be satisfactory as evidenced by no documented "unexcused" absences.

Respondent shall immediately execute the appropriate release of information
form allowing the group facilitator to inform the Board of Respondent's entry into the group. Respondent shall also cause the group facilitator to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory weekly attendance and participation in the group, as well as discharge from the group. Such reports are due beginning thirty days after entry into the group and quarterly thereafter according to schedule for the remainder of the Order.

6. **Participation in AA/NA**

   (a) Prior to the completion of suspension, Respondent shall participate at least weekly, for a consecutive period of no less than 12 months, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall provide to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her sponsor. The first report is due commencing the month after the effective date of this Order and quarterly thereafter.

   (b) Prior to the completion of suspension, if participating in a twelve-step program, and for a consecutive period of no less than twenty-four months, Respondent shall obtain and maintain a permanent sponsor.

7. **Drug Testing**

   Prior to the completion of Suspension, Respondent shall enroll in a program, which meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month, for a consecutive period of no less than 12 months, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug
testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent’s employer by the Board.

8. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol. Violation of this paragraph is noncompliance with the Order.

9. Abstain from Drug Use

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription. Violation of this paragraph is noncompliance with the Order.
10. **Drug Use Exception**

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. **DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER.** THE NOTIFICATION SHALL
BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE
OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled
substance, Respondent shall cause her prescribing provider to provide monthly
reports to the Board regarding the continued need for the prescribed narcotic
or mood-altering medications within 7 days of the 30th day of each month. The
Board or its designee may, at any time, request the provider to document the
continued need for prescribed medications. Such report from the provider
shall be received by the Board within 14 days of the request. Respondent shall
keep a written record of medications taken, including over-the-counter drugs,
and produce such record upon request by the Board or its designee. Failure to
comply with the provisions of this paragraph shall be considered as
noncompliance with terms of the Order.

11. Violation of Suspension

If Respondent violates suspension in any respect, the Board,
after giving Respondent notice and the opportunity to be heard, may revoke
Respondent's license or take other disciplinary action. If a complaint is filed
against Respondent during suspension, the Board shall have continuing
jurisdiction until the matter is final, and the period of suspension shall be
extended until the matter is final.

12. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily
request surrender of her license.
13. **Completion of Suspension**

Following successful completion of relapse/recovery evaluation, and 12 months consecutive compliance and all recommendations made by the evaluator to be completed prior to completion of suspension, Respondent shall be placed on probation for 36 months. Respondent shall work as a professional nurse for a minimum of twelve months with six of these months being continuous employment (not less than sixteen hours a week) subject to the following terms and conditions:

**STIPULATIONS APPLICABLE TO SUSPENSION AND PROBATION**

1. **Renewal of License**

In the event the license is scheduled to expire during the period of suspension or probation, Respondent shall apply for renewal of the license, pay the applicable fee and otherwise maintain qualification to practice nursing in Arizona.

2. **Release of Information Forms**

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

3. **Interview With the Board or Its Designee**

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
4. **Change of Employment/Personal Address/Telephone Number**

   Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

5. **Obey All Laws**

   Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil traffic violations are excluded.

6. **Costs**

   Respondent shall bear all costs of complying with this Order.

**TERMS OF PROBATION**

1. **Stamping of License**

   Upon successful completion of the terms of suspension, as determined by the Board or its designee, Respondent shall be issued a license stamped "PROBATION." While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "Probation."

2. **Relapse Prevention Evaluation**

   Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a certified relapse prevention therapist, and, if recommended by the therapist, Respondent shall enter, participate regularly and successfully complete a
relapse prevention program, or any other recommendations as designated by the relapse prevention evaluator.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order, and Exhibit A, to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program. Failure to comply with stipulations of paragraph shall be considered as non-compliance with the Consent Agreement.
3. **Nurse Recovery Group**

Throughout the term of this Order, Respondent shall continue and participate weekly in a Board acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall execute the appropriate release of information form allowing the group facilitator to inform the Board of Respondent's entry into the group. Respondent shall also cause the group facilitator to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory weekly attendance and participation in the group, as well as discharge from the group. The nurse recovery group facilitator files such reports each month. If the facilitator documents an "unexcused" absence for Respondent that shall be considered as non-compliance with the consent agreement.

4. **Participation in AA/NA**

   (a) Throughout the term of this Order, Respondent shall participate at least weekly, or as recommended by the rehabilitation program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initiated by their sponsor. The first report is due commencing the first quarterly reporting date after the effective date of the consent agreement and quarterly thereafter according to the assigned reporting dates.

   (b) Throughout the term of this Order, Respondent shall obtain a temporary sponsor if participating in a twelve-step program and a
permanent sponsor within 60-90 days of the effective date of the Order.

Respondent shall maintain a sponsor relationship throughout the terms of this Order. Failure to comply with stipulations as enumerated in sections (a) and (b) is noncompliance with the Order.

5. **Drug Testing**

Throughout the term of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug
shall result in immediate notification of Respondent’s employer by the Board, and is noncompliance with the Order.

6. **Abstain from Alcohol Use**
   
   Respondent shall completely abstain from the use of alcohol. Violation of this paragraph is noncompliance with the Order.

7. **Abstain from Drug Use**
   
   Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription. Violation of this paragraph is noncompliance with the Order.

8. **Drug Use Exception**
   
   Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent’s history of substance use, awareness of Respondent’s Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of
information form(s) as required by the Board or its designee so that 
Respondent's medical providers shall be able to communicate information with 
the Board. Prior to receiving treatment from any other medical provider(s), 
Respondent shall notify the medical provider(s) of Respondent's history of 
substance use and of the existence of the Order. **DURING THE COURSE OF 
THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO 
NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY 
OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY 
MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL 
BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE 
OF THE PRESCRIPTION.** 

If Respondent has a lawful prescription for a controlled 
substance, Respondent shall cause his/her prescribing provider to provide 
monthly reports to the Board regarding the continued need for the prescribed 
narcotic or mood-altering medications within 7 days of the 30th day of each 
month. The Board or its designee may, at any time, request the provider to 
document the continued need for prescribed medications. Such report from 
the provider shall be received by the Board within 14 days of the request. 
Respondent shall keep a written record of medications taken, including over- 
the-counter drugs, and produce such record upon request by the Board or its 
designee. Failure to comply with the provisions of this paragraph shall be 
considered as noncompliance with terms of the Order.
9. Notification of Practice Settings

Any setting in which Respondent accepts employment shall be provided with a copy of this Consent Agreement and Order to include the Findings of Fact, Conclusions of Law, Order and Terms of Suspension and Probation, and Exhibit A and informed of the probationary status of Respondent's license at or before the date of hire. Within ten days of Respondent's employment on probationary status, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the employer's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Order and the program's ability to comply with the conditions of probation during clinical experiences.

10. Quarterly Reports

Within 30 days after the effective date of this Order, and quarterly thereafter, Respondent shall cause every employer Respondent has worked for during the quarter to submit to the Board, in writing, employer evaluations, on the Board-approved form. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or
disciplinary action or termination from a place of employment shall constitute a violation of this paragraph. In the event Respondent is not employed in nursing, or attending school, during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities, on the Board-approved form.

11. Access to Drugs

Respondent shall not administer or have access to controlled substance and/or any other potentially addictive substance, including but not limited to, Nubain and Stadol medications, at least during the first six months of her probationary status. Upon evidence of full compliance with the probationary terms the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled substance.

12. Practice Under Direct Supervision

Respondent shall practice as a professional nurse, only under the direct supervision of a professional nurse in good standing with the Board. Direct supervision is defined as having a professional nurse present on the same unit with the Respondent whenever Respondent is practicing as a professional nurse. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law.
In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor’s receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse’s agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

13. Acceptable Hours of Work

Respondent shall work only the day of evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Failure to comply with the provisions of this paragraph shall be considered as noncompliance with the terms of the Order.

14. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.
15. **Voluntary Surrender of License**

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

16. **Violation of Probation**

If Respondent is noncompliant with this agreement in any respect, the Board staff may notify the Respondent’s employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this agreement after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. **Reevaluation of Conditions**

In the event Respondent does not work in nursing within two years of the effective date of this Probation, Respondent may appear before the Board for reevaluation of the probationary conditions.

18. **Completion of Probation**

When Respondent has nine months left in the probationary period Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a “stepdown” component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to “on-call” urine drug screens as
requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request formal review by the Board, and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director

Dated: June 6, 2002

JR/SN:dh

COPY mailed this 3rd day of September, 2002 by First Class Mail to:

Nancy Lee Jimenez
C/O ADAPT
Attn: Melaine Wall
202 East McDowell Road, No. 255
Phoenix, Arizona 85004

By: [Signature]
Legal Secretary
requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request formal review by the Board, and, after formal review by the Board, Respondent’s nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director

Dated: June 6, 2002

JR/SN:dh

COPY mailed this 3rd day of September, 2002 by First Class Mail to:

Nancy Lee Jimenez
C/O ADAPT
Attn: Melaine Wall
202 East McDowell Road, No. 255
Phoenix, Arizona 85004

COPY mailed this 20th day of September, 2002 by First Class Mail to:

Nancy Lee Jimenez
C/O ADAPT
Attn: Melaine Wall
202 East McDowell Road, No. 255
Phoenix, Arizona 85004

STATE OF ARIZONA
This is to certify that this is a true and correct copy of records on file in this office pertaining to Nancy Jimenez

ARIZONA STATE BOARD OF NURSING
SEAL

By: [Signature]
Legal Secretary
On or about June 9, 2004, Nancy Lee Neeper (hereinafter Respondent), made a request to the Arizona State Board of Nursing regarding a change in Paragraph “10 and 14” of her Consent Agreement and Order No. 0202010, Terms of Probation, dated October 1, 2002. On July 21, 2004, the Board considered Respondent’s request and based on Respondent’s progress and compliance with the October 1, 2002, Consent Agreement and Order No. 0202010 voted to amend the Order to allow Respondent to complete her probation in the state of Idaho, and to allow quarterly reports to be submitted by the Idaho Board of Nursing.

Paragraph “10” in the Terms of Probation in Consent Agreement and Order No. 0202010 states:

Quarterly Reports

Within 30 days after the effective date of this Order, and quarterly thereafter, Respondent shall cause every employer Respondent has worked for during the quarter to submit to the Board, in writing, employer evaluations, on the Board-approved form. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action or termination from a place of employment shall constitute a violation of this paragraph. In the event Respondent is not employed in nursing, or attending school, during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities, on the Board-approved form.
AMENDMENT

Paragraph “10” in the Terms of Probation in Consent Agreement and Order No. 0202010 states:

Quarterly Reports

Respondent shall cause the Idaho State Board of Nursing to submit quarterly reports to the Board to include those terms of compliance that are required by Consent Agreement and Order No. 0202010, with Respondent being accountable for the submission of all quarterly reports due according to her reporting dates, in writing, on the Idaho State Board of Nursing approved form. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action, or termination from a place of employment shall be considered non-compliance with this Order. In the event Respondent is not employed in nursing or attending school during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form. Failure to provide the quarterly reports from Idaho State Board of Nursing or if not working in nursing, self-reports, within seven days of the reporting date shall be considered non-compliance with this Order.

Paragraph “14” in the Terms of Probation in Consent Agreement and Order No. 0202010 states:

Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of
the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

AMENDMENT

Paragraph “14” of the Terms of Probation in Consent Agreement and Order No. 0202010 is hereby amended to state:

**Out-Of-State Practice/Residence**

Respondent may complete probation in Idaho, but before any other out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

All other requirements of the Consent Agreement dated October 1, 2002, remain in effect.

\[\text{Respondent}\]

\[\text{Dated: 8/10/04}\]

\[\text{ARIZONA STATE BOARD OF NURSING}\]

\[\text{SEAL}\]

\[\text{Joey Ridenour, R.N., M.N.}\]

\[\text{Executive Director}\]

\[\text{Dated: July 21, 2004}\]

\[\text{JR/SN:dh}\]
COPY mailed this 2nd day of August, 2004, by First Class Mail to:

Nancy Lee Jimenez
PMB 126
78-365 Highway 111
La Quinta, California 92253

By: [Signature]
Legal Secretary