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

TANA NUGENT-ERICKSON
N-27418
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of the Application of:

TANA NUGENT-ERICKSON
License No. N-27418,

ORDER ON PETITION
FOR REINSTATEMENT OF LICENSE

RESPONDENT.

CASE 02-014

On June 22, 2010, Respondent Tana Nugent-Erickson (Respondent) applied for reinstatement of her nursing licensure. Her application for reinstatement was presented to the members of the Idaho Board of Nursing (Board) on July 22-23, 2010. Following its review of the application, the matters on file with the Board, and the information submitted in support of the application, and good cause appearing therefore, the Board enters the following Order on Petition for Reinstatement of License.

FINDINGS OF FACT

1. Respondent became licensed as a professional nurse on March 17, 1998. She was issued license number N-27418.

2. On July 30, 2004, the Board issued Findings of Fact, Conclusions of Law and an Order revoking the Respondent’s professional nurse license.


4. During a regularly scheduled Board meeting on July 22-23, 2010, Respondent’s request for reinstatement of licensure was conditionally granted and a limited license for five (5) years was authorized.

CONCLUSIONS OF LAW

1. The facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. The Board has the power to refuse to reinstate a license, and may place on probation, reprimand, limit, restrict, condition or take other disciplinary action against the licensee upon the determination that the licensee engaged in conduct constituting grounds for discipline. Idaho Code Section 54-1413.

ORDER ON PETITION - 1
3. In considering applications for reinstatement, the Board evaluates the nature and severity of the act that resulted in revocation; the applicant’s subsequent conduct; the lapse of time since discipline; the degree of compliance with any terms and conditions that the Board imposed; intervening circumstances; degree of rehabilitation; applicant’s adherence to law and rule; and applicant’s criminal background. IDAPA 23.01.01.120.03.

4. The Board may issue a limited license to a qualified applicant who has been the subject of a disciplinary action. IDAPA 23.01.01.132.01.a.

5. Respondent’s license was the subject of disciplinary action, based on conduct constituting legal grounds for imposition of discipline.

6. Respondent has demonstrated sobriety for an appropriate time period and has been an active participant in her recovery; respondent has complied with all terms and conditions imposed by the Board, and has submitted documentation to support her on-going stability in recovery.

7. Respondent’s demonstration of meeting the Board’s requirements qualifies her for reinstatement of licensure; however, Respondent’s history of discipline by the Board constitutes grounds for the imposition of limits or conditions on her license to practice.

ORDER

NOW, THEREFORE, it is hereby ordered that Respondent’s petition for reinstatement is GRANTED, but only upon the following limitations and terms:

1. Respondent will be issued a conditional temporary license for three months and restricted solely to Idaho, following receipt of the required fee of $100.00, (IDAPA 23.01.01.901.04a).

2. While operating on the conditional license, Respondent shall complete a minimum of 80 hours of supervised practice in accordance with the Board’s Out-of-Practice Policy with the following conditions:
   a. Work under registered nurse supervision and have no charge nurse responsibilities; and
   b. After a minimum of 80 hours of supervised practice, request a registered nurse supervisor to submit a written performance evaluation regarding Respondent’s basic nursing skills as addressed in Nursing Practice Rules.
   c. Be encouraged to enroll in a refresher course, if one is available in the area of residence.

3. Upon notification of satisfactory completion of the requirements for an Out-of-Practice Policy. Respondent will be issued a LIMITED LICENSE, for a
period of five (5) years, valid only in Idaho, subject to Respondent’s strict adherence to and compliance with each of the following conditions and limitations:

a. Notify the Board of any change in current address and telephone number within ten (10) days of that change.
b. Notify the Board of the name(s) and address(es) of any employer(s), at the time that employment in any field is accepted. Board professional staff must approve the practice setting prior to acceptance of employment, no night shifts, home health or hospice. Respondent may not be the charge nurse or be employed in a supervisor position, or in the float pool.
c. Performance Evaluations: Assure that employer(s) submits reports of performance evaluations at monthly intervals for twelve (12) months, then at quarterly intervals, directly to the Board.
d. Counseling Reports: Attend counseling as indicated by counselor and assure that reports are submitted quarterly.
e. Urine Drug Screens: Obtain and pay for random urine drug screens monthly for 15 months, then on quarterly intervals and Board request.
f. Meetings with Professional Staff: Meet with Professional Board staff when requested.
g. Self-Evaluation Reports: Submit self-evaluations at monthly intervals for twelve (12) months, then at quarterly intervals.
h. 12-Step Meeting Attendance: Attend three-four (3-4) 12-Step meetings per week and submit signed cards monthly to confirm attendance.
i. Sponsor Reports: Request the 12-step sponsor to submit reports of progress at monthly intervals for twelve (12) months, then at quarterly intervals.
j. Request primary care provider to submit an evaluation, to include the medication list at semiannually intervals, or as needed.
k. Have no access to narcotics for at least ninety (90) days following initial nursing employment. Approval must be granted by Board professional staff prior to access.
l. Comply with all laws, rules, standards, policies and procedures pertaining to the practice of nursing.
m. Abstain from the use of alcohol or any controlled substance or other drugs that are not medically prescribed, in which case, the respondent will furnish a copy of the prescription to the Board and the Board’s testing lab.
n. May not accept employment as a nurse in another state without written authorization from the Idaho Board of Nursing and the Board of Nursing in the employment state, including any state party to the Nurse Licensure Compact.

4. Additional Conditions:
a. Should the limited license not be obtained within twelve (12) months of the issuance of this Order, the previously imposed discipline will remain in effect and Respondent must submit a new reinstatement application and supporting documents.
b. Length of Monitoring. The conditions of this limited license will remain in effect until there are five (5) years of documented continuous monitoring.

c. Employment must be pre-approved by professional Board staff and the licensee may not work in areas such as home health/hospice, ICU, CCU, or areas where there is a high rate of narcotics; may not assume charge nurse responsibilities for at least one (1) year.

d. The primary health care provider shall be informed of the limited license conditions and licensee will assure that the provider will provide the Board with a copy of any prescription given, the reason for the prescription, dosage, length of use and number of refills.

e. Travel must be preapproved by the Board a minimum of ten days in advance of any travel out of town. (The testing service requires a minimum of seven (7) days in advance of any travel plans.)

5. REPORTING REQUIREMENTS. All reports must be submitted to the Board of Nursing office by the 30th day of each month in which they are due. Further assure that any required reports to be submitted by others are submitted by the 30th of each month in which they are due.

IT IS FURTHER ORDERED, that any failure to strictly adhere to the foregoing conditions, including the submission of reports in a timely manner shall constitute grounds for the imposition of disciplinary action.

DATED this 4th day of August, 2010.

IDAHO STATE BOARD OF NURSING

[Signature]

By: Susan Odom, PhD, RN
Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2010, I caused to be served a true and correct copy of the foregoing ORDER ON PETITION FOR REINSTATEMENT OF LICENSE, addressed as follows:

Roger Gabel
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Tana Nugent-Erickson
1800 N Cole Road F 202
Boise, ID 83702

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

[Signature]
Linda H. Coley,
Management Assistant
Idaho Board of Nursing
NOTICE OF APPEAL RIGHTS

This is a Final Order of the agency. Any party may file a motion for reconsideration of this Final Order within fourteen (14) days of the service date of this Order. The agency 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).

As set forth in section 54-1413, Idaho Code, and Board of Nursing Rule, IDAPA 23.01.01.165.01, you may petition for reconsideration of any final order of the Board upon the following grounds:
   a. Newly discovered or newly available evidence relevant to the issues;
   b. Error in the processing or Board decision that would be grounds for reversal or judicial review of the order;
   c. Need for further consideration of the issues and the evidence in the public interest; or
   d. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

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:
   i. a hearing was held,
   ii. the final agency action was taken,
   iii. the party seeking review of the order resides or operates its principal place of business in Idaho, or
   iv. 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 service date of this Final Order, (b) of an order denying Motion for Reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a Motion 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 4th day of August, 2010, I caused to be served a true and correct copy of the foregoing ORDER ON PETITION FOR REINSTATEMENT OF LICENSE, addressed as follows:

Roger Gabel
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

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

Tana Nugent-Erickson
1800 N Cole Road F 202
Boise, ID 83702

Linda H. Coley,
Management Assistant
Idaho Board of Nursing
TANA NUGENT-ERICSON
1800 N COLE ROAD F 202
BOISE, ID 83702

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TANA NUGENT-ERICSON
B. Received by (Printed Name)
TANA NUGENT-ERICSON
C. Date of Delivery
8-18-10
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If YES, enter delivery address below:

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□ Registered □ Return Receipt for Merchandise
□ Insured Mail □ C.O.D.

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