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

JACQUELINE ODGERS

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: 
Jacqueline S. Odgers,  
License No. PN-12740,  
Respondent. 

Case No. BON 09-035

STIPULATION AND CONSENT ORDER

WHEREAS, information has been received by the Idaho State Board of Nursing (the “Board”) that constitutes sufficient grounds for the initiation of an administrative action against Jacqueline S. Odgers (“Respondent”); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Alleged Facts and Law

A.1. The Board regulates the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

A.2. The Board has issued License No. PN-12740 to Respondent. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code and the Board’s rules at IDAPA 23.01.01, et seq.

A.3. On May 20, 2009, the Board received a Report Form for Violation of the Nurse Practice Act from Respondent’s employer, Meridian Care and Rehabilitation Center (“Employer”).

A.4. On or about March 24, 2009, Employer had placed marked money in a patient’s drawer and Respondent removed $20.00 of the marked money from a patient’s drawer.

A.5. Respondent admitted that she took the money from the patient’s drawer at approximately 11:00 a.m. Respondent said she returned the money at approximately 12:00 p.m.
A.6. On August 21, 2009, Respondent pled guilty to misdemeanor petit theft in Ada County Case No. CR-2009-0008670. Respondent was ordered to pay $175.50 in fines and costs, serve four (4) days of jail with all options and complete an anti-theft class. Respondent was placed on unsupervised probation for a period of one (1) year and also received a withheld judgment. A copy of the Court’s order is attached as Exhibit A.

A.7. The allegations of Paragraphs A.3. through A.6., if proven, would violate the laws and rules governing the practice of nursing and would be grounds for discipline, specifically:

a. Idaho Code § 54-1413(1)(g) and Board Rule (IDAPA 23.01.01) 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);

b. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public);

c. Board Rule 101.05(c) (a nurse shall be responsible and accountable for his nursing judgments, actions and competence);

d. Board Rule 101.05(g) (a nurse shall not exploit the patient or the patient’s family for personal or financial gain);

e. Board Rule 101.05(h) (a nurse must not abuse the patient’s trust).

A.8. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

B. Waiver of Procedural Rights

I, Jacqueline Odgers, by affixing my signature hereto, acknowledge that:

B.1. I have read and understand the allegations pending before the Board as stated in Section A, above, and I agree that the Board has jurisdiction to proceed in this matter.

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STIPULATION AND CONSENT ORDER - 2
B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. Respondent shall be placed on supervised probation with the Board (“Board probation”) for a period of one (1) year effective immediately upon entry of the Board’s Order. Conditions of the Board’s probation shall include the following:

a. Respondent shall provide assurance to the Board that the practice or employment environment provides the necessary oversight for Respondent’s decision making and practice. Respondent shall provide the Board with the name, work address, and work phone number of the supervisor responsible for such supervision before Respondent accepts the position. Respondent shall not work in an unsupervised practice setting (e.g., home health or hospice) during the probationary period. Respondent shall not work more than 40-45 hours/week. If Respondent plans to change employment, those changes must be pre-approved by the Board before the new assignment is accepted. Respondent shall not function as a head nurse, supervision or charge nurse during the year of probation;

b. Respondent shall instruct her supervisor at her place of employment to submit performance reports on a form provided by the Board on a monthly basis during the duration of the Board’s probation. If Respondent’s performance is satisfactory after the first six (6) months of supervision, the supervisor shall submit performance
evaluations quarterly (two remaining quarters) for the remainder of the Board's probation. The supervisor evaluations shall address and provide feedback on Respondent's attendance, performance, and nursing functions;

c. Respondent shall submit monthly self-evaluations during the duration of her Board probation;

d. Respondent shall pay reasonable costs of investigation and attorney fees incurred by the Board in bringing this action in the amount of One Hundred and No/100 Dollars ($100.00) within two hundred forty (240) days of the entry of the Board's Order.

e. Respondent shall complete the following on-line National Council of State Boards of Nursing continuing education courses within ten (10) months of the entry of the Board's Order:

i. Ethics of Nursing Practice, and


Verification of attendance and completion of the two courses shall be provided to the Board's staff within thirty (30) days of completion of each course.

f. Respondent will comply with and successfully complete all conditions of her probation ordered by the Court in Ada County Case No. CR-2009-0008670.

g. Respondent shall notify the appropriate licensing authorities in any other state where she currently holds, or previously held, a nursing license of this matter and provide to them a copy of this stipulation and consent order.

h. Respondent shall comply with all the laws and rules of the Board of Nursing.

C.2. At the conclusion of the one (1) year Board probation, Respondent may request reinstatement of her license on a form provided by the Board. The Board may request that Respondent appear before the Board. After evaluation, the Board shall
determine whether to reinstate Respondent’s license without restriction or whether additional measures are necessary to ensure Respondent is able to safely practice nursing.

C.3. With any request for reinstatement, Respondent must submit the following:
   a. proof that she has complied with all conditions of her Board probation;
   b. proof that she has complied with all conditions of her probation and has been released from her probation ordered by the Court in Ada County Case No. CR-2009-0006870;
   c. a three-page, typed double-spaced scholarly paper about the lessons she has learned as a result of this incident. The topic of the paper shall be “What Will Prevent Respondent from Future Theft of Patient’s Property.” Respondent shall demonstrate to the Board in this paper how she plans to avoid criminal behavior in the future, including what anti-theft thinking skills she will utilize should she be tempted to steal again.

C.4. During the term of Respondent’s Board probation, Respondent’s license shall be a single-state license and Respondent shall not be eligible to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

C.5. Respondent shall not commit any further violations of the Nursing Practice Act or the rules of the Board and shall comply with the Board’s laws and rules.

C.6. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.7. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

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STIPULATION AND CONSENT ORDER - 5
D. RESERVED

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Board's staff shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The staff shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board
may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this ___ day of October, 2009.

[Signature]
Jacqueline Odgers
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this ___ day of October, 2009.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By [Signature]
Karin Magnelli
Deputy Attorney General

ORDER

Pursuant to Idaho Code §§ 54-1404 and 54-1413, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 23rd day of October, 2009. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By [Signature]
Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of November, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Jacqueline Odgers  
614 Edmond Street  
Caldwell, ID 83605

☑ U.S. Mail  
☑ Certified Mail, Return Receipt Requested  
☑ Statehouse Mail

☐ U.S. Mail  
☐ Certified Mail, Return Receipt Requested  
☐ Statehouse Mail

Karin Magnelli  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. Mail  
☐ Certified Mail, Return Receipt Requested  
☐ Statehouse Mail

☐ U.S. Mail  
☐ Certified Mail, Return Receipt Requested  
☐ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.  
Executive Director  
Board of Nursing
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, ADA COUNTY

JUDGMENT OF CONVICTION

PROBATION ORDER

STATE OF IDAHO vs.

Jacqueline Odgers

SSN/DO ______ DOB ______

DEFENDANT having been charged with:

Count 1: Petit Theft 18-2403/18-2407(2)
Count 2:
Count 3:

DEFENDANT WAS: ☑ Present ☐ Not Present ☐ Interpreter Present
☐ Represented by: ☑ Pro Se
☑ Against Self-Incrimination ☑ To All Defenses
☒ Defendant Waived Right ☑ To Voluntary Guilty Plea
☒ Advised of all rights and penalties per ICR 5.11, IMCR 5(f)
☒ To Jury Trial ☑ To Counsel
☒ To Confront and Cross Examine Accuser(s)
☑ Trial: Found Guilty

CASE NO. MD-09-82070

Prosecuting Agency: ☑ Ada County ☐ Boise City ☐ Garden City ☐ Meridian

COURT ENTERS JUDGMENT AFTER:

☐ ORDERED: DEFENDANT'S DRIVING PRIVILEGES SUSPENDED days beginning ; or
☐ CONSECUTIVE TO ANY CURRENT SUSPENSION ☐ Absolute Suspension days ☑ With Restricted License

ORDERED: DEFENDANT TO PAY TO THE CLERK:

Count 1: Fine/penalty $500.00 + $400.00 Suspended + CT Costs $75.50 = $175.50
Count 2:
Count 3:
Count 4:
Count 5:
Count 6:

☐ Reimburse Public Defender $Workers' Comp ($60/hr) $ Restitution $-

ORDERED: DEFENDANT TO BE INCARCERATED IN:

Count 1: 30 days W/ 26 Suspended - Credit Total = 4
Count 2:
Count 3:
Count 4:
Count 5:
Count 6:

PROBATION ORDERED/CONDITIONS:

Supervised Probation Expires: 8/21/10
Unsupervised Probation Expires: 8/21/10
☑ Notify Court of change of address ☑ Commit no crimes
☐ Use interlock device ☑ Refuse no evidentiary test for drugs/alcohol (BAC)
☐ Enroll/complete treatment program(s) marked on Judgment Supplement ☑ Standard terms and conditions of supervised probation
☐ No contact with
☒ Other ANT - Draft Class
☐ Defendant accepted terms and conditions of probation and received a copy of this form and Judgment Supplement applicable

PLEA AND SENTENCE VIA DEFENSE COUNSEL AUTHORIZED.

Defendant: Jacqueline Odgers
Judge: [Signature]

[Signature]
**U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

<table>
<thead>
<tr>
<th>Postage</th>
<th>$</th>
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<tbody>
<tr>
<td>Certified Fee</td>
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<tr>
<td>Return Receipt Fee (Endorsement Required)</td>
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<tr>
<td>Restricted Delivery Fee (Endorsement Required)</td>
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<td>Total Postage &amp; Fees</td>
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**Sent To**

JACQUELINE ODGERS
614 EDMOND STREET
Caldwell, ID 83605

PS Form 3800, August 2006

See Reverse for Instructions

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**SENTER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

   JACQUELINE ODGERS
   614 EDMOND STREET
   CALDWELL, ID 83605

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

   [Signature]

B. Received by (Printed Name)

   [Printed Name]

C. Date of Delivery

   11-3-09

D. Is delivery address different from item 1? 

   Yes

   If YES, enter delivery address below:

   [Delivery Address]

2. Article Number

   [Article Number]

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

   Yes