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

DAVID PETERSON
PN-10509

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Dear Mr. Petersen:

During their meeting on May 13, 1999, the Board of Nursing members took action to issue a formal Order of Revocation of license. Enclosed are the Findings of Fact, Conclusions of Law and Final Order.

The Order revoking your license became effective May 13, 1999. Please be advised that you may not practice nursing in the State of Idaho during the time your license is revoked.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of: ) Case No. 99-018

DAVID K. PETERSEN, ) FINDINGS OF FACT,
License No. PN-10509, ) CONCLUSIONS OF LAW,
Respondent. ) AND FINAL ORDER

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho Board of Nursing (hereinafter the “Board”) hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent DAVID K. PETERSEN (“Respondent”) is a duly licensed nurse in the State of Idaho holding License No. PN-10509.

2. On or about April 20, 1999, the Program for Recovering Nurses (“PRN”) notified the Board of a criminal investigation of suspected drug diversion involving Respondent, and enclosed a copy of the police report. The police report indicated that on or about April 16, 1999, the Boise Police Department received and investigated a complaint concerning suspected unlawful possession of controlled substances by Respondent. The complaint concerned missing schedule II controlled substances discovered at Respondent’s place of employment. A true and correct copy of the April 20, 1999 letter sent to the Board by the PRN, and attachments thereto, is attached hereto as Exhibit 1.

3. On or about May 5, 1999, Respondent voluntarily surrendered his license, admitting to violations of the Nursing Practice Act, because he had diverted controlled substances for self-use. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 2.
4. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to him pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 14, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. Respondent's admission of violations of the Nursing Practice Act and Rules constitutes grounds for revocation or suspension of Respondent's license to practice nursing pursuant to Idaho Code § 54-1413(1)(e), 54-1413(1)(g), 54-1413(1)(h), IDAPA 23.01.01100.06, 100.08.i, and 100.09.b.

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-1413(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that Nursing License No. PN-10509 issued to Respondent DAVID K. PETERSEN is

✓ Revoked

Suspended ____ days/year(s) ____ indefinitely

based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that he present the following information to the Board with his application for reinstatement:

1. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;
2. Documentation that he is rehabilitated and competent to practice nursing by submitting:
   a. A comprehensive drug/alcohol evaluation completed by a licensed mental health care provider at the time of application for reinstatement;
   b. A detailed summary of employment since licensure revocation or suspension;
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and

3. Evidence of financial compliance with NCPS and the Program for Recovering Nurses.

This order is effective immediately.

DATED this 13th day of May, 1999.

IDAHO BOARD OF NURSING

By Charles Moseley, CRNA
Chairman
NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

a. A hearing was held,

b. The final Board action was taken,

c. The party seeking review of the order, resides, or

d. The real property or personal property that was the subject of the Board 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 petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If respondent’s license was revoked, then pursuant to Board Rule 121, Respondent may apply to the Board for reinstatement one (1) year after the execution of this Order. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

If respondent’s license was suspended, then pursuant to Board Rule 120, Respondent may apply to the Board within a reasonable time after the execution of this Order, or as specified by the term of suspension. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17TH day of MAY, 1999, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

David K. Petersen
6898 W. Belhaven Dr.
Boise, ID 83703

Sandra Evans, M.A.Ed., R.N.
Executive Director
April 20, 1999

Sandra Evans  
Board of Nursing  
P.O. Box 83720  
Boise, ID 83720-0061  

RE: Dave Petersen, LPN

Dear Ms. Evans,

The following is a summary of recent events leading up to Dave Petersen's non-compliance with the PRN program:

On February 9th, we received a request from Mr. Petersen for him to be able to dispense narcotics. At that time, it was approved by the PRN for him to be able to do so.

On March 1st, Mr. Petersen was told by NCPS to go do a UA test that day. He reported that he got very busy at work and was not able to do so until the next day, March 2nd.

On March 9th, Kristie Cotner spoke with Mr. Petersen and he stated that he was going to start doing 90 meetings in 90 days again because he was having a difficult time and starting to get emotionally down. He was also going to seek some counseling.

On March 16th, NCPS reported that Mr. Petersen missed a call and a test on March 15th so they tested him on March 16th.

On March 30th, NCPS reported that Mr. Petersen had not called in for his UA tests since March 23rd and they did not have any notation that he was on vacation. At that time, I contacted Mr. Petersen and he stated that he just wasn’t calling in because he was taking a medication without a prescription. He was told that he had 5 days to come into full compliance and was to resume calling in for his UA’s immediately.

On April 5th, Mr. Petersen missed another call in and reported to NCPS that he overslept.

On April 13th, NCPS reported that they are missing another test result (the 1st one was on March 1st when Mr. Petersen tested March 2nd from March 15th).  

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
On April 13th, Mr. Petersen contacted Kristie Cotner to let her know that he moved in with his mother. His wife had asked for a legal separation and for him to move out of the house because she felt that Dave was not working a good recovery program. We notified NCPS, that day, to test Mr. Petersen immediately. They reported that he tested the day before and they would test him again on Friday because he probably wouldn't expect one that soon.

On April 19th, Mr. Petersen was investigated by the Boise Police Department at his workplace in regards to some missing narcotics and was charged with unlawfully obtaining Schedule II controlled substances. Mr. Petersen confessed to all of the missing drugs and admitted to using. Please refer to the enclosed Police report.

On April 20th, NCPS notified the PRN that the test from April 12th came back with a Creatinine of 0 and a Specific Gravity of 1.001. A level this low indicates that the UA specimen was Substituted, according to federal regulations. Enclosed is a copy of that UA result.

At this time, we are turning Mr. Petersen over to the Board of Nursing for further disciplinary action due to several areas of non-compliance with the PRN.
If you have any further questions or concerns, please feel free to contact me.

Sincerely,

John Southworth, CADC
PRN Coordinator
(208) 991-4726 cellular
(800) 729-0533 pager

cc: Dave Petersen
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<td>Date (End)</td>
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<tr>
<td>Name</td>
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<tr>
<td>Name</td>
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**Probable Cause**

Suspect unlawfully obtained Schedule II controlled substance by altering drugs from sealed containers and replacing them with non-illicit drug substance.

**Stolen Property**

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**Exhibit 3 of 9**
1. On 4-16-99, 1530 hrs, I was dispatched to Primary Health Clinic, 1209 Broadway.

2. REF: THEFT OF DRUGS. UPON ARRIVAL, I Spoke with Clinic Administrator, Heidi...

3. Lawson, who explained that her clinic receptionist, upon dispensing medication...

4. To a patient, Discovered that a Bottle of Hydrocodone PA Shampoo had been...

5. Previously opened and that the bottle was nearly empty. Upon checking the...

6. Rest of their stock of the same medication, Nicholson found that 10 others...

7. Bottles had been tampered with (original factory seals missing).

8. 

9. 

10. 

11. 

12. The Controlled Substances Involved are:

   1. Hydrocodone PA Shampoo 18 Bottles (40 oz)

   2. acetaminophen hydrocodone 9 bottles

   3. Hydrocodone 3 bottles

   4. propoxyphone -n 2 bottles

   5. 

   6. nitro 1 bottle

13. 

14. 

15. 

16. 

17. 

18. 

19. 

20. 

21. 

Vehicle Disposition: Not Involved Left at Scene Removed by:

Transported to: Ada County Jail Other

Suspect Identified by: Drivers License Other

Reported by: 

Date/Time: 4-16-99 08:30

Exhibit 1 of 9
1. AS AN EMPLOYEE, L.R. PETERSEN HAS ACCESS TO THE LOCKED NARCOTIC CABINETS.

2. PETERSEN HAS WORKED AT THE BROADWAY CLINIC FOR ONLY 3 WEEKS AND THEY HAVE NOT EXPERIENCED NARCOTIC THEFT PRIOR TO HIS ARRIVAL.

3. PETERSEN WAS TRANSFERRED TO THE BROADWAY CLINIC FROM THE PRIMARY HEALTH CLINIC ON USTICK (1077 W. USTICK) WHERE HE HAS WORKED SINCE OCT. '99.

4. CARSON CONTACTED MADDY WEATHERUP (578-881) AT THE USTICK CLINIC AND FOUND THAT SOME DRUGS HAD BEEN TAMPERED WITH AT THAT CLINIC WHILE PETERSEN WAS WORKING THERE.

5. CARSON CONTACTED THE OTHER PRIMARY HEALTH CLINICS IN BOISE (WHERE PETERSEN HAS NOT WORKED) AND THEY FOUND NO TAMPERING WITH THEIR DRUGS.

6. CARSON STATED THAT WHEN PETERSEN TRANSFERRED TO THE BROADWAY CLINIC, HE TOLD HER HE WAS IN A PRESCRIPTION DRUG SUBSTANCE ABUSE PROGRAM AND WAS REQUIRED TO SUBMIT TO RANDOM DRUG TESTING.

7. CARSON ADVISED THAT PETERSEN HAD TO LEAVE WORK ON THE AFTERNOON OF 4-16-99 TO SUBMIT TO A DRUG TEST, AND THAT PRIOR TO LEAVING WORK HE WAS "FUSING" HIMSELF, PRIOR TO DRUG TESTING.

8. UPON THE ENTIRE CLINIC BECOMING AWARE OF THE NARCOTIC THEFT, PETERSEN TOLD CARSON THAT HE WAS PROBABLY A SUSPECT, ACCORDING TO HIS DRUG PROGRAM.

9. I CONTACTED SGT. KESBY, WHO IN TURN CONTACTED DETECTIVES, SGT. KESBY...
1. Recontact me and advise me to route the request to det. John Taylor.

2. As he was not available today.

3.

4. Contact advised she would secure the tampered drug bottles in a safe

5. Place away from the clinic. She also advised that the clinic was

6. In the process of contacting patients who had been provided drugs

7. Which may have been tampered with.

8.

9.

10.

11.

12.

13.

14.

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16.

17.

18.

19.

20.

21.

Vehicle Disposition:  Not Involved  Left at Scene  Removed by:

Transported to:  Ada County Jail  Other

Suspect Identified by:  Drivers License  Military I.D.  Other

Handcuffed  Checked  Seat Belts  Door Locked

Serial  Data/Time  

13. Reporting Officer:  

14. Supervisor Approving:  

DISTRIBUTION:  Original - Records  Yellow - Follow-up  Pink - Crime Analysis
On 4-16-99 at about 12:30pm my Technician Carol Nicholson took a note of Hydrocodone 5mg out of our locked narcotic cupboard. "Allscripts precription meda"
noticed it "felt light" so she opened it. I found that the seal had been opened.
most of the cough syrup was gone. She then looked at the remaining 10 bottles.
I found that all had been opened & most were then diluted with water. The Staff
(Kim, Kim, & Dave) told Carol Nicholson (Dave Petersen). I then looked at all other
narcotics & found that the majority had been tampered with. I brought all needs
back to my office with Susan Miller (HR Mgr) & we noticed that the bottles that
had been tampered with had been returned with the seal still all contained the same
pill. I called the staff pharmacist at Allscripts & discussed the pill. It is informed
me that they were generic acetaminophen. Officer Holst has a description of meda.
Dave Petersen (LPN) had told me about his transfer from our W. Boise clinic
that he was in a substance abuse program. He prescribed drug & was required
to submit to random UAs. He was also required to tell me, as his supervisor, he
came back to my office minutes after watching all of this unfold. I told
me that "he was probably a suspect" but that he had just recently done a
UA & we could see it if necessary. Earlier in the day (before any of this)
myself or other staff members had noticed. Dave Petersen’s frequent use of the
bathroom, up to 10 times per day, (cont. on back)

Heidi Carson, have read the above statement consisting of _______ pages,
and I know the same to be a true statement as given by me. I have initialed all mistakes noticed by me.

Witnessed By:

a. 2/16/99
   (Signature)

b. 2/16/99
   (Signature)

Statement By:

4-16-99
   (Signature)
   (Date)
I also contacted our W. Boise clinic where Dave had worked for about 15 months before transferring to my clinic. I talked to Wendie Warner, Clinic Administrator. I asked if she had any similar circumstances while he worked there. She said that about 3 days ago, a patient brought back a med that had been "opened already" but they didn't think anything of it. I advised her to go look at all of her narcotics just in case. She called me back after about 20 minutes and said that "several had been opened." Susan Miller (HR mgr) contacted all Regional Clinic Administrators to check with all clinics to check on the integrity of all narcotics. All others were found to be intact.

Heidi Carson
4/14/99
DRUG PROFILE 764888

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CHAIN-OF-CUSTODY PROTOCOL: PERFORMED

LAD: UI LABCORP COMPUCHEM RTP
DIRECTOR: P CHILDS, PHD, D-ABFT
1904 ALEXANDER DRIVE RTP, NC 27709-0000

DIRECTOR: P CHILDS, PHD, D-ABFT
LAST PAGE OF REPORT
VOLUNTARY SURRENDER OF LICENSURE

I,

David Keith Petersen

admit that:

I diverted controlled substances for self use.

II

I understand and acknowledge that the admitted facts constitute grounds for disciplinary action under Section 54-1413, of the Nursing Practice Act, IDAHO CODE.

III

I hereby voluntarily surrender license number PN-10507 and I shall forthwith discontinue the practice of nursing in Idaho.

IV

I hereby waive the right to a hearing concerning the foregoing admitted facts, and waive my rights under the provisions related to contested cases in the Administrative Procedures Act, Chapter 52, Title 67, IDAHO CODE.

Dated: 5/5/99

Signature of Licensee

Dated: 5/5/99

Signature of Witness

1/89 1/93

Exhibit 2
Page 1 of 2
State of Idaho
Board of Nursing

This is to certify that:

DAVID K PETERSEN
6898 W BELHAVEN DR
BOISE, ID 83703

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

Valid when signed by licensee