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

MOLLY PHILLIPP
N-11220
November 15, 2006

Molly Phillipp
2325 Koro Avenue
Idaho Falls, Idaho 83404

Dear Ms. Phillipp:

Congratulations on successfully completing the terms of your probation. Please return your license that has been stamped “Probation” and we will issue you an unrestricted license.

We would urge you to exercise extreme caution and judgment in the future to avoid any appearance of acts that might be interpreted as violations of the Rules or the Nursing Practice Act. It is your personal responsibility to be knowledgeable of the statutes, rules and policies and procedures governing nursing practice and to practice within those parameters.

Please contact this office if you have additional questions or concerns.

Sincerely,

Judith Nagel, R.N., M.S.
Associate Director

The Mission of the Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  )  
MOLLY PHILLIPP,  )  Case No. BON-03-050  
License Nos. N-11220 and NP-320A  )  STIPULATION AND ORDER  
Respondent.  )  

To: Molly Phillipp  
and her attorney of record  
Scott R. Hall  
ANDERSON, NELSON, HALL & SMITH  
P.O. Box 51630  
Idaho Falls, ID 83405-1630

WHEREAS, information having been received by the Idaho State Board of Nursing (hereinafter the "Board") which constitutes sufficient grounds, if proven, for the imposition of administrative disciplinary action against to Molly Phillipp (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; 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.

1. The Idaho State Board of Nursing is empowered by Idaho Code § 54-1404 to regulate the practice of nursing in the State of Idaho.

2. Molly Phillipp, is licensed by the Idaho State Board of Nursing to engage in the practice of nursing under License Nos. N-11220 and NP-320A. Respondent’s license
as a nurse practitioner allows her prescriptive authority. Further, Respondent possesses a controlled substance registration issued by the Idaho State Board of Pharmacy and DEA certification.

3. On June 8, 2001, the Board staff was advised that Respondent was over-prescribing controlled substances to a patient. Respondent cooperated in the investigation and in April 2002, an agreement was signed to informally dispose of the matter by having Respondent take coursework or write a detailed paper on the proper role of the nurse practitioner and the care of a patient who is addicted to controlled substances. In early August 2002, the paper was received and the complaint was closed. Respondent also agreed with her employer to no longer provide patient services to the patient in question.

4. On August 7, 2003, the Board received a complaint from Respondent’s employer, Obstetrics & Gynecology Associates of Idaho Falls, that Respondent had been prescribing controlled substances to the former patient and the former patient’s 16-year-old daughter and 18-year-old son. On August 28, 2003, Board staff met with Respondent to conduct an investigation. Respondent admitted to the investigator that she prescribed to the former patient, and to the former patient’s son and daughter. Respondent further admitted to the investigator that she had no patient records for these individuals to verify assessment and evaluation of outcomes. Respondent admitted that she did not consult with the former patient’s treating orthopedist and neurologist. Respondent admitted she did not consult with any physician about the former patient. Respondent did not refer the former patient to a physician.

5. Respondent’s conduct as set forth above, if proven, constitutes grounds for discipline as follows:

   a. For violations of Idaho Code § 54-1413 (1)(g) and IDAPA 23.01.01.100.08 and 23.01.01.316.05—Violation of Standards of Conduct;
b. For violations of Idaho Code § 54-1413 (1)(h) and IDAPA 23.01.01.100.09—Conduct to deceive, defraud or endanger patients or the public;

c. For violations of IDAPA 23.01.01.280.02.a—Shall consult and collaborate with other members of the health care team;

d. For violations of IDAPA 23.01.01.280.02.h—Shall have knowledge of the statutes and rules governing advanced nursing practice, and function within the established boundaries of the appropriate advanced nursing practice category;

e. For violations of IDAPA 23.01.01.315.06—When exercising prescriptive and dispensing authority is accountable for: (b) Problem identification through appropriate assessment; (f) Evaluation of outcome;

f. For violations of IDAPA 23.01.01.316.02—Prescribing outside the scope of the advanced practice professional nurse’s practice; and

g. For violations of IDAPA 23.01.01.316.04—Prescribing or dispensing for other than therapeutic purposes.

6. Respondent, in lieu of proceeding with formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to allow the Board to impose disciplinary action against her licenses without further process.

B.

I, Molly Phillipp, by affixing my signature hereto, acknowledge that:

1. I have read the allegations pending before the Board as stated above in section A. I understand that these allegations, if proven, constitute cause for disciplinary action upon my license to practice nursing in the State of Idaho. I agree that the Board has jurisdiction to proceed in this matter, with my consent as indicated by my signature hereto.

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; the right to appeal; 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.

3. I understand that in signing this Stipulation, I am enabling the Board to impose disciplinary action upon my licenses without the necessity of engaging in the processes set forth above.

C.

1. Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon the stipulation whereby;

   a. Respondent’s nursing licenses N-11220 and NP-320A, are hereby suspended. The suspension is stayed and both licenses are placed on probation for a term of three (3) years, such term to commence on the date the Board executes an Order adopting the terms of this Stipulation. The three (3) year probationary term will have conditions as follows and her licenses shall not be reinstated until Respondent can show compliance with the following terms:

   i. Respondent shall enter into personal psychotherapy/counseling to enable her to recognize, establish and maintain appropriate professional boundaries. Said counseling shall be with a licensed professional as recommended by Mark Corgiat, Ph.D., and shall last until said professional can certify to the Board’s satisfaction that Respondent is no longer a risk to engage in inappropriate relationships with patients. Respondent shall execute a release of information form and shall advise the professional that quarterly progress reports are to be sent to the Board.

   ii. Respondent will refrain from any relationship with the patient or the patient’s family who caused these disciplinary actions to be taken.

   iii. Respondent’s prescriptive authority granted to her by the Idaho State Board of Nursing is not affected. Respondent shall voluntarily surrender her
controlled substance registration issued by the Idaho State Board of Pharmacy to that entity and her DEA certification to that federal entity. Respondent shall send both entities notice surrendering said controlled registration and certification within twenty (20) days of the date of the Board's acceptance.

iv. Respondent shall enroll in and successfully complete a continuing education program that focuses on self-awareness and ethical responsibilities in caregiver/patient relationships as recommended by Mark Corgiat, Ph.D. in his evaluation. Said program shall adhere to all Board of Nursing standards for educational programs. Said program shall include not less than eight (8) hours of instructor directed education. Further, Respondent shall obtain pre-approval of said educational program from the Board's staff and shall provide the Board with a certificate of attendance and completion.

v. Respondent shall provide a copy of this Stipulation and Order to all current employers within ten (10) days of the Board's acceptance. Respondent shall provide to any future employers, during said period of probation, a copy of this Stipulation and Order.

vi. Respondent shall within three (3) days advise the Board of any change in employment. Respondent shall advise her employer to provide the Board with quarterly employment performance reports for the first (1) year of probation and bi-annual reports for the remaining two (2) years. Respondent shall execute a release of information form that provides the Board with access to employment information.

vii. Respondent shall send quarterly self-evaluation reports to the Board for the first (1) year of probation and bi-annual reports for the remaining two (2) years. Said reports shall be submitted within thirty (30) days of each reporting period.

viii. Respondent shall advise the Board of any change of address within ten (10) days of said change occurring.
ix. Respondent shall comply with all laws and rules regulating the practice of nursing.

x. Respondent shall fully cooperate with the Board and its staff.

xi. Respondent shall complete the on-line Idaho Nurse Practice Act course within ninety (90) days of the Board's acceptance of this stipulation.

b. Upon termination of the three (3) year probationary period described above, Respondent may apply to the Board for full reinstatement of her nursing licenses N-11220 and NP-320A. Respondent acknowledges that reinstatement is conditioned upon successful completion of the terms of probation as set forth above.

2. The violation of any of the terms of this stipulation by Respondent will cause the probation to be revoked and the suspension without the necessity of further Board action and as is consistent with the rules of the Board. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

3. Costs incurred by compliance with all terms shall be the sole responsibility of Respondent.

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the deputy attorney general responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this settlement agreement is rejected.
3. If the Board does not accept the settlement agreement, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Stipulation shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to reasonably timely and reasonably complete and comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation shall be considered a violation of Idaho Code § 54-1413 and IDAPA 23.01.01.280. If Respondent violates or fails to comply with this Stipulation and subsequent Order, the Board may impose additional discipline pursuant to the procedures for contested cases in the Idaho Administrative Procedure Act, Idaho Code §§ 67-5200, et seq. subject to the procedural modifications outlined in paragraphs 7 and 8.

7. At the hearing before the Board upon default, the Board staff and Respondent may submit affidavits made on personal knowledge and 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 such affidavits and this Stipulation and subsequent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in section A.

8. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent’s practice or suspension or revocation of Respondent’s license(s).

9. The Board shall have the right to make full disclosure of this Stipulation and subsequent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, title 9, chapter 3, Idaho Code.
10. 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.

ACKNOWLEDGMENT

I have read the above stipulation fully and have had the opportunity to discuss it with my legal counsel of record. I understand that by its terms I will be 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.

DATED this 23rd day of October, 2003.

MOLLY PHILLIPP

I concur in this stipulation and order.

Dated this 30th day of October, 2003.

CHERI L. BUSH

ORDER

On 13th day of November, 2003 the above stipulation was present to the Idaho State Board of Nursing. After due deliberation the Board concurs with the terms of said Stipulation and adopts the terms set forth in Section C as if fully set forth in this Order. IT IS SO ORDERED.

DATED this 13th day of November, 2003.

STATE OF IDAHO BOARD OF NURSING
By: Daniel Bauer, R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18TH day of November, 2003, I caused to be served a true and correct copy of the foregoing addressed as follows:

Molly Phillipp
2325 Koro Avenue
Idaho Falls, ID 83404
And to her attorney

Scott Hall
P.O. Box 51630
Idaho Falls, ID 83405-1630

Cheri L. Bush,
Deputy Attorney General
Office of the Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010

U.S. Mail, postage prepaid
Certified U.S. Mail, return receipt
Hand Delivery
Overnight Mail
Facsimile: 208-523-7254
Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Idaho State Board of Nursing

STIPULATION AND ORDER - 10
MOLLY PHILLIPP
2325 KORO AVE
IDAHO FALLS, ID 83404