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

RICHARD RAINS
N-22017

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
February 22, 2007

Richard Rains  
428 W Edwards Avenue  
Nampa ID 83686

Dear Mr. Rains:

During their February 8-9, 2007 meeting, the Board members took action to grant your petition for reinstatement of license by authorizing the issuance of a limited license with conditions for 3 years upon receipt of the $100.00 fee required under IDAPA 901.04a. The conditions of limited licensure are indicated on the attached Order Granting Petition for Reinstatement of License.

Motivation to assume responsibility for the submission of reports is an important aspect of recovery. Therefore, no reminders will be sent by the Board of Nursing in advance of when reports are due. You are expected to submit reports in a timely manner. Reports may be faxed (208/334-3262) to aid in their timely submission. All reports should be submitted no later than the 30th of the month in which they are due. Report forms are enclosed for your use in submitting these reports. You will be contacted by the National Confederation of Professional Services (NCPS) regarding your urine drug screens.

Please contact me if you have any questions concerning the Limited License or the conditions outlined in this letter.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:hc  
envelope

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 BOARD OF NURSING

STATE OF IDAHO

In the Matter of the Application of )
Richard Rains,
License No. N-22017,
RESPONDENT.

ORDER GRANTING PETITION ) FOR REINSTATEMENT OF LICENSE

CASE 00-058

On September 29, 2006, Richard Rains (Respondent) applied for reinstatement of licensure. His application for reinstatement was presented to the members of the Idaho Board of Nursing (Board) on February 9, 2007. 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.

FINDINGS OF FACT

1. Respondent was licensed as a professional nurse on June 12, 1992. He was issued license number N-22017.
2. On January 5, 2001, Respondent voluntarily surrendered his license to practice.
3. The Board took disciplinary action against Respondent, based on voluntary surrender of license. A copy of the order entered by the Board on February 8, 2001 is attached hereto as Exhibit A.
5. During a regularly scheduled Board meeting on February 9, 2007, Respondent’s request was granted and a limited license for three years was issued.
7. By letter of November 7, 2006, the Idaho Department of Correction verified Respondent’s release from probation.
11. By letter of October 17, 2006, John Reeves, BA, provided a DUI/Substance Abuse Evaluation noting that treatment is not indicated.
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.

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 an applicant who has been the subject of a disciplinary action, if it finds the applicant qualifies for reinstatement. 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, as set forth in the Attached Exhibit A.

6. Respondent has provided evidence of completed treatment and active recovery.

7. Respondent’s previous history of discipline by the Board constitutes grounds for the imposition of limits or conditions on his license to practice.

ORDER

NOW, THEREFORE, it is hereby ordered that:

1. Respondent’s petition for reinstatement is GRANTED, and

2. Respondent will be issued a LIMITED LICENSE, for a period of three (3) years, subject to Respondent’s strict adherence to and compliance with each of the following conditions and limitations:
   a. Completion of the requirements for an out-of-practice applicant:
      i. Work under registered nurse supervision with no charge nurse responsibilities
      ii. After a minimum of 80 hours of supervised practice, request a registered nurse supervisor to submit a written performance evaluation regarding basic nursing skills as addressed in Nursing Practice Rules.
   b. Following receipt of satisfactory evidence that supervised practice has been completed, the supervision requirement shall be removed and the following conditions shall apply:
      i. Notify the Board of any change in current address and telephone number within ten (10) days of that change.

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ii. Notify the Board of the name(s) and address(es) of any and all employer(s), at the time that employment in any field is accepted.

iii. Request immediate supervisor to submit performance evaluations at monthly intervals for six (6) months, then at quarterly intervals.

iv. Obtain and pay for random urine drug screens – 15 random screens during the first year, then at quarterly intervals.

v. Meet with professional Board staff at staff’s discretion.

vi. Submit self-evaluations at monthly intervals for six (6) months, then at quarterly intervals.

vii. Attend two-three (2-3) AA/NA meetings per week and submit signed cards monthly to confirm attendance.

viii. Request the 12-step sponsor to submit reports of progress at monthly intervals for six (6) months, then at quarterly intervals.

ix. Comply with all laws, rules, standards, policies and procedures pertaining to the practice of nursing.

x. Abstain from the use of all mind-altering and potentially addicting drugs and alcohol, unless medically authorized.

xi. In the event Respondent is prescribed a mind-altering and/or potentially addicting drug, a copy of the prescription will immediately be furnished to the Board and the National Confederation of Professional Services (NCPS).

xii. May not accept employment in another state without written authorization from that state.

3. 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.

4. EMPLOYMENT. Respondent may not be employed in any other state party to the Nurse Licensure Compact without having received written permission from that state.

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.

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:

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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 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.

DATED this ___ 22nd ___ day of February, 2007.

IDAHO STATE BOARD OF NURSING

[Signature]

By: ________________________________
SUSAN ODOM, PhD, RN, Chairman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22

nd day of February, 2007, I caused to be served a true and correct copy of the foregoing ORDER GRANTING PETITION FOR REINSTATEMENT OF LICENSE, addressed as follows:

Karl Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Richard Rains
428 W Edwards Avenue
Nampa ID 83686

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

X

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

X

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Hand Delivery

SANDRA EVANS, MAEd, RN,
Executive Director,
Idaho Board of Nursing