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

KETURA RATHBUN
N-31066
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
KETURA RATHBUN,  
License No. N-31066,  

Case No. BON 004-016  

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND FINAL ORDER

Pursuant to her request for a hearing before the Idaho State Board of Nursing (hereinafter “Board”), Respondent Ketura Rathbun (hereinafter “Respondent”) appeared before the Board during its regularly scheduled meeting at 2:30 p.m., Thursday, November 11, 2004. Board Chairman Randall Hudspeth, RN, NP, CNS, presided. Board members Daniel Bauer, RN, Karen Ellis, RN, Analyn Frasure, LPN, Jill Howell, RN, Shirlie Meyer, RN, Susan Odom, PhD, RN, and Ridon Clemm, LPN, participated in the hearing. Consumer member of the Board, Sheri Florence, also participated.

The Board, having reviewed the documents and correspondence contained in the administrative file in this matter, and having heard the testimony of Ketura Rathbun and Sandra Evans, Executive Director, and good cause appearing therefore, hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent applied for nurse licensure in the State of Idaho. Based on a review of the information provided in response to the questions contained in the application, the Idaho Board of Nursing granted her application and Respondent was issued license No. N-31066.
2. Subsequent to issuance of Respondent’s nursing license, the Board received information indicating that Respondent had been denied licensure by the state of Arizona.

3. Respondent did not disclose the Arizona license denial to the Idaho Board at the time of her application or at any subsequent time.

4. Respondent does not refute that she was denied licensure in Arizona, but argues that she was unaware of the denial and that she had been confused by a proposed stipulated agreement that she received from Arizona.

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 power to revoke, suspend, or amend any license issued pursuant to the act if the licensee has engaged in behavior that constitutes grounds for discipline. Idaho Code § 54-1413(1).

3. Making, or causing to be made, a false statement or representation in procuring a license to practice nursing is behavior that constitutes grounds for discipline. Idaho Code § 54-1413 (1)(a).

4. Misrepresenting facts or failing to verify and accurately report any and all facts submitted on any application for licensure by making timely and appropriate inquiry of all jurisdictions in which a licensee has made application for, or obtained, licensure or certification is grounds for imposition of an order of discipline. IDAPA 23.01.01.100.01(b).
5. Failing to make timely and appropriate inquiry verifying licensure status in all jurisdictions in which the applicant has applied for licensure is grounds for imposition of an order of discipline. IDAPA 23.01.01.100.11.

6. By failing to disclose the denial of her application for licensure in Arizona, Respondent misrepresented facts and failed to verify and accurately report information submitted in connection with her application for licensure in the State of Idaho in violation of Idaho Code § 54-1413(1)(a) and IDAPA 23.01.01.100.01(b) and 23.01.01.100.11, thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code §§ 54-1413(3)(a) and 67-5242(4).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that License No. N-31066 is hereby suspended, effective immediately, for a period of one (1) year, and that Respondent be required to reimburse the Board its costs incurred in the investigation of this matter in an amount not to exceed five hundred dollars ($500.00) within ninety (90) days of the date of this ORDER.

It is further ordered that entry of the order of suspension be stayed, contingent upon the timely payment of the costs of investigation and that, upon payment, the order of suspension be dismissed.
DATED this 22 day of December 2004.

IDAHO STATE BOARD OF NURSING

By: RANDALL HUDSPETH, NP, CNS
Chairman

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).

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

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 4
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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30TH day of December 2004, I caused to be
served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND FINAL ORDER, addressed as follows:

Cheri Bush
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

Kay Christensen
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

Ketura Rathbun
1458 Falcon Drive
Ammon ID 83406

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

SANDRA EVANS, M.A.Ed., R.N.
Executive Director
Board of Nursing

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 5
U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage $  
Certified Fee  
Return Receipt Fee [Endorsement Required]  
Restricted Delivery Fee [Endorsement Required]  

KETURA RATHBUN
1458 FALCON DRIVE
AMMON ID 83406

RECEIVED: SEPTEMBER 4, 1999
POSTMARK HERE

COMPLETE THIS SECTION

1. Article Addressed to: KETURA RATHBUN
1458 FALCON DRIVE
AMMON ID 83406

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)  

B. Date of Delivery  

C. Signature  

D. Is delivery address different from item 1?  
   Yes  
   No

3. Service Type  
   X Certified Mail
   ○ Registered
   ○ Insured Mail
   ○ C.O.D.

4. Restricted Delivery? (Extra Fee)  
   Yes

PB Form 3811, July 1999
Domestic Return Receipt
10289-00-0A-0082
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
KETURA C. RATHBUN,  
License No. N-31066,  
Respondent.  

Case No. 04-016  
COMPLAINT

To:  KETURA RATHBUN  
235 N. 8th Avenue, Apt. C204  
Yuma, AZ  85764

STATEMENT OF CHARGES

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

2. Ketura Rathbun (hereinafter “Respondent”), is licensed by the Idaho State Board of Nursing under License No. N-31066 to engage in the practice of professional nursing.

3. On February 24, 2004, the Idaho Board of Nursing was notified by the Arizona Board of Nursing that Respondent had been denied licensure by that state in late 2000. On March 3, 2004, the Order of Denial was received by the Idaho Board from the Arizona Board.

4. When Respondent applied for a license in Idaho on April 8, 2002, she did not disclose to the Board that she had been denied a license in another state as is required.

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

COMPLAINT - 1
a. For violations of Idaho Code § 54-1413(1)(a) and IDAPA 23.01.01.100.01.b—Made a false, fraudulent, or forged statement or representation in procuring or attempting to procure a license to practice nursing;

b. For violation of Idaho Code § 54-1413(1)(g) and IDAPA 23.01.01.100.08 and 23.01.01.101.01—Violates the law, or rules and standards of conduct and practice as may be adopted by the board; and,

c. For violations of IDAPA 23.01.01.100.10—Action against a licensee by entry of an order restricting, limiting, revoking, suspending, or otherwise disciplining a license or privilege to practice nursing by any jurisdiction.

6.

Pursuant to Idaho Code Section 54-1413, the Board is authorized to enter an order suspending, revoking or otherwise disciplining Respondent’s license for Respondent’s violations of Idaho Code and the Board’s duly promulgated rules, as set forth above.

WHEREFORE, the Idaho State Board of Nursing prays for the following action:

1. That a hearing commence at a designated time to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board’s designated hearing officer;

2. That subsequent to taking evidence, the waiver of a hearing, or the failure of the Respondent to file an Answer to this administrative Complaint, that the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein and the Board shall determine whether the license of Respondent Ketura C. Rathbun should be suspended, revoked or otherwise disciplined pursuant to the statutory and regulatory authority of the Board of Nursing; and

3. For such other and further relief as the Board deems just and proper in the circumstances.

COMPLAINT - 2
DATED this 23rd day of July, 2004

IDAHO STATE BOARD OF NURSING

By Sandra Evans, M.A. Ed., R.N.
Executive Director

NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a verified Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer and/or request a hearing the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities if you fail to appear or otherwise defend at the hearing default will be entered against you.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Board at the following address:

COMPLAINT - 3
Idaho State Board of Nursing
280 N. Eighth Street, Suite 210
P.O. Box 83720
Boise, ID 83720-0061
telephone: (208) 334-3110
facsimile: (208) 334-3262

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon legal counsel for the Board at the following address:

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of __JULY__, 2004, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Katura Rathbun
235 N. 8th Avenue, Apt. C204
Yuma, AZ 85764

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

Cheri L. Bush
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

U.S. Mail, postage prepaid
Hand Delivery
Overnight Mail
Facsimile: __________
Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director

COMPLAINT - 4