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

MICHAEL ROBERTSON  
PN-9872

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
November 17, 2011

Michael Robertson
1360 W Victory Rd
Meridian, ID 83642

Dear Mr. Robertson:

Following their review of written materials during their meeting of October 27-28, 2011, the members of the Board of Nursing took action to issue you a limited license, with conditions for two (2) years, upon receipt of the $100.00 fee required under IDAPA 23.01.01.901.04a. The conditions of limited licensure are indicated on the attached Order Granting Petition for Reinstatement of License. Report forms will be included with the limited license. To register for the urine drug screens, go to www.firstlab.com (see enclosed instructions).

Please note that Section 1.b. of the ORDER requires that employment must be pre-approved by Board staff. At that time you must provide the Board with the name and contact information for your supervisor.

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 must be submitted no later than the 30th of the month in which they are due.

The limited license may be summarily suspended and shall be surrendered upon demand without prior notice or hearing, in the event the Board of Nursing or its staff receives information or evidence that any of the conditions of the limited license or the rules of the Board have been violated.

Please contact Janet Edmonds at ext 2483 if you have any questions concerning the limited license or the conditions.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lhce
enclosure

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: } )

) )
MICHAELE ROBERTSON ) ORDER ON PETITION
License No. PN-9872, ) FOR REINSTATEMENT OF LICENSE
) ) CASE 06-033
RESPONDENT. )

On June 16, 2011, Respondent Michael Robertson (Respondent) applied for reinstatement of his nursing licensure. His application for reinstatement was presented to the members of the Idaho Board of Nursing (Board) on October 27-28, 2011. 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 of License.

FINDINGS OF FACT

1. Respondent became licensed as a practical nurse on February 23, 2005. He was issued license number PN-9872.

2. On September 8, 2005, Respondent self-reported to the Program for Recovering Nurses (PRN).


4. On January 30, 2006, April 20, 2006, and May 9, 2006, complaints were received that Respondent was involved in various drug discrepancies regarding narcotics and failed urine drug tests. Specific information is indicated in the Findings of Fact, Conclusions of Law and Final Order, dated May 2, 2008.

5. On November 24, 2006, Respondent voluntarily surrendered his license to practice nursing in Idaho, and agreed to enroll in the Program for Recovering Nurses (PRN).

6. On June 7, 2007, Respondent was issued a limited license. The limited license was summarily suspended on January 4, 2008.

7. On May 2, 2008, the Board issued Findings of Fact, Conclusions of Law and an Order revoking the Respondent's practical nurse license.

ORDER ON PETITION - 1
8. During a regularly scheduled Board meeting on October 27-28, 2011, Respondent’s request for reinstatement of licensure was granted and a limited license with conditions for two (2) years was authorized.

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 23.01.01.062.03.

4. The Board may issue a limited license to a qualified applicant who has been the subject of a disciplinary action. 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.

6. Respondent has complied with all terms and conditions imposed by the Board, and has submitted documentation to support his on-going stability.

7. Respondent’s demonstration of meeting the Board’s requirements qualifies him for reinstatement of licensure; however, Respondent’s 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 Respondent’s petition for reinstatement is GRANTED, but only upon the following limitations and terms:

1. Respondent will be issued a conditional limited license for two (2) years, restricted solely to Idaho, following receipt of the required fee of $100.00, (IDAPA 23.01.01.901.08), and subject to Respondent’s strict adherence to and compliance with each of the following conditions and limitations:
a. Notify the Board of any change in current address and telephone number within ten (10) days of that change.

b. Employment must be pre-approved by Board staff, including the name and address of the supervisor. This information must be on file with the Board at the time that any employment in any field is accepted.

c. **Performance Evaluations:** Assure that employer(s) submits reports of performance at monthly intervals for twelve (12) months, then at quarterly intervals, or as requested by Board staff, directly to the Board.

d. **Urine Drug Screens:** Enroll in FirstLab for urine drug screens. Obtain and pay for random urine drug screens monthly for 12 months, then on quarterly intervals and upon Board request. Must comply with the Procedures Related to Urine Drug Screening and the General Information on Avoiding Products Containing Alcohol.

e. **Meetings with Professional Staff:** Meet with Professional Board staff when requested.

f. **Reimburse Investigative Charges:** Reimburse the Board investigative charges in the amount of $1,068.00.


g. **Self-Evaluation Reports:** Submit self-evaluations at monthly intervals for twelve (12) months, then at quarterly intervals and upon Board request.

h. **12-Step Meeting Attendance:** Attend two-three (2-3) 12-Step meetings per week and submit signed cards monthly to confirm attendance.

i. **Sponsor Reports:** Request the 12-step sponsor to submit reports of progress at monthly intervals for twelve (12) months, then at quarterly intervals and upon Board request.

j. **Report of Treatment Provider:** Request the treatment provider to submit an evaluation of your compliance with any medication and treatment regimen, to include a medication list at quarterly intervals for four (4) months, then semi-annually until monitoring is completed.

k. Have no access to narcotics for at least ninety (90) days following initial nursing employment. Approval must be granted by Board professional staff prior to access.

l. Abstain from the use of alcohol, or any controlled substance or other drugs with similar effect that are not prescribed. A copy of any prescription for drugs and/or controlled substances must be on file with the Board within 48 hours of the order.

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

n. May not accept employment as a nurse in another state without written authorization from the Idaho Board of Nursing and the Board of Nursing in the employment state, including any state party to the Nurse Licensure Compact.

2. **Re-Entry into Practice**

a. Applicants who have been out of practice from three (3) to ten (10) years may be issued a conditional temporary license with the following requirements:

1) Work under registered nurse supervision with no charge responsibilities;

2) After a minimum of 80 hours of supervised practice, request the registered nurse supervisor submit to the Board of Nursing a written performance evaluation regarding basic nursing skills as addressed in Nursing Practice Rules.
b. Applicants are encouraged to enroll in a refresher course if one is available in the area of residence.

3. Additional Conditions:
   a. Should the limited license not be obtained within twelve (12) months of the issuance of this Order, the previously imposed discipline will remain in effect and Respondent must submit a new reinstatement application and supporting documents.
   b. Length of Monitoring. The conditions of this limited license will remain in effect until there are two (2) years of documented continuous monitoring.
   c. Activities that prevent full compliance with monitoring conditions, such as out-of-state travel, vacations, etc, must be approved ten (10) days in advance of the planned activity.

4. **Reporting Requirements.** All reports must be submitted to the Board of Nursing office by the 30\(^{th}\) day of each month in which they are due. Further assure that any required reports to be submitted by others are submitted by the 30\(^{th}\) of each month in which they are due.

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.

DATED this __16th__ day of __November__, 2011.

IDAHO STATE BOARD OF NURSING

By: ____________________________
Susan Odom, PhD, RN
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).

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:
  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 Motion for Reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a Motion 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 17th day of November, 2011, I caused to be served a true and correct copy of the foregoing ORDER ON PETITION FOR REINSTATEMENT OF LICENSE, addressed as follows:

Roger Gabel
Deputy Attorney General
954 W Jefferson 2nd Floor
Boise, ID 83702
☐ U.S. Mail, postage prepaid
☐ Overnight Mail
☐ Facsimile: _______________
☐ Statehouse Mail
☐ Hand Delivery

Michael Robertson
1360 W Victory Rd
Meridian, ID 83642
☐ U.S. Mail, postage prepaid
☐ Certified U.S. Mail, return receipt
☐ Overnight Mail
☐ Facsimile: _______________
☐ Statehouse Mail

Linda H. Coley,
Management Assistant
Idaho Board of Nursing