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

GRETCHELEN RUST
N-8838

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: GRETCHEM L. RUST, License No. N-8838, Respondent. Case No. 00-065

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Having reviewed the Complaint and other documents filed in this matter, the Idaho State Board of Nursing (hereinafter the "Board") enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Gretchen Louise Smith Rust (hereinafter "Respondent") is licensed by the Idaho State Board of Nursing under License No. N-8838 to engage in the practice of nursing.

2. On January 23, 2001, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on January 23, 2001, by means of the United States Mail, postage prepaid, by certified mail, return receipt requested. The mailings were addressed to Respondent at her most recent home address on file with the Board, as follows:

   Gretchen Louise Smith Rust
   501 Main Street
   Miles City, MT 59301

4. The certified mail mailings were returned to the sending office with the notation "Moved, Unable to Forward, Return to Sender." The forwarding address given was 1617 Main Street, Apartment 5, Miles City, MT 59301-3653.
5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, she needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure by her to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against her license without the necessity of conducting a hearing.

6. On February 26, 2001, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following addresses:

Gretchen Louise Smith Rust  
501 Main Street  
Miles City, MT 59301

Gretchen Louise Smith Rust  
1617 Main Street, Apt. 5  
Miles City, MT  59301-3653

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent, while a licensed professional nurse, did do the following:

   On or about July 19, 2000, the State of Montana Board of Nursing entered a Final Order in Case No. CC-00-208-NUR wherein Respondent’s License No. 26095 to act as a Registered Nurse in the State of Montana was suspended. A copy of the State of
Montana Board of Nursing Notice of Summary Suspension and Opportunity for Hearing was attached to the Complaint.

CONCLUSIONS OF LAW

1. As a licensed professional 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.

2. The Complaint was sent to Respondent at her address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.

3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

4. Respondent's acts as detailed in the incorporated Complaint constitute violations of Idaho Code § 54-1413(1)(i), thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code § 54-1413(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being show, it is hereby ordered that License No. N-8838 issued to Gretchen Louise Smith Rust, is hereby ☒ Revoked ☐ Suspended, effective immediately.

DATED this 24TH day of May, 2001.

IDaho State Board of Nursing

By Claudeen Buettner, Ed.D., R.N.
Vice-Chairman
NOTICE OF DUE PROCESS RIGHTS

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 agency 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 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.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24TH day of MAY, 2001, 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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Method of Service</th>
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<tbody>
<tr>
<td>Kirsten L. Wallace</td>
<td>Deputy Attorney General</td>
<td>U.S. Mail, postage prepaid</td>
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<td>P.O. Box 83720</td>
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<td>X Statehouse Mail</td>
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<td>1617 Main Street, Apt. 5</td>
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<td>Gretchen Louise Smith Rust</td>
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Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
GRETCHEP LOUISE SMITH RUST,  
License No. N-8838,  
Respondent.  

Case No. 00-065

DEFAULT ORDER

THIS MATTER having come before the Idaho State Board of Nursing (hereinafter the “Board”) on the Complaint of the Board’s Executive Director pursuant to Idaho Code § 54-1413(2) and IDAPA 23.01.01.131.03, and Respondent having failed to contest or otherwise respond to the Complaint; now, therefore,

IT IS HEREBY ORDERED that, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, Respondent is in default. The Board shall enter a final order pursuant to Idaho Code § 67-5246, IDAPA 04.11.01.702 and .740.

DATED this 24th day of MAY, 2001.

IDAHO STATE BOARD OF NURSING

By Claudeen Buettner, Ed.D., R.N.
Vice-Chairman

DEFAULT ORDER - 1
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24TH day of MAY, 2001, I caused to be served a true and correct copy of the foregoing DEFAULT ORDER addressed as follows:

Kirsten L. Wallace
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:

X Statehouse Mail

Gretchen Louise Smith Rust
1617 Main Street, Apt. 5
Miles City, MT 59301-3653

X U.S. Mail, postage prepaid

Certified U.S. Mail, return receipt

Hand Delivery

Overnight Mail

Facsimile:

X Statehouse Mail

Gretchen Louise Smith Rust
501 Main Street
Miles City, MT 59301

X U.S. Mail, postage prepaid

Certified U.S. Mail, return receipt

Hand Delivery

Overnight Mail

Facsimile:

X Statehouse Mail

Gretchen Louise Smith Rust
General Delivery
Miles City, MT 59301-9999

X U.S. Mail, postage prepaid

Certified U.S. Mail, return receipt

Hand Delivery

Overnight Mail

Facsimile:

X Statehouse Mail

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

DEFAULT ORDER - 2
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
GRETCHEK LOUISE SMITH RUST,  
License No. N-8838,  
Respondent.  

Case No. BON-00-065

COMPLAINT

To:  Gretchen Louise Smith Rust  
501 Main Street  
Miles City, MT  59301

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.  Gretchen Louise Smith Rust (hereinafter “Respondent”), is licensed by the Idaho State Board of Nursing under License No. N-8838 to engage in the practice of professional nursing.

3.  On or about July 19, 2000, the State of Montana Board of Nursing entered a Final Order in Case No. CC-00-208-NUR wherein Respondent’s License No. 26095 to act as a Registered Nurse in the State of Montana was suspended. A copy of the State of Montana Board of Nursing Notice of Summary Suspension and Opportunity for Hearing is attached hereto as Exhibit A, and a copy of the State of Montana Board of Nursing Final Order is attached hereto as Exhibit B.
Pursuant to Idaho Code § 54-1413 and IDAPA 23.01.01.131.03, the Board is authorized to enter an order of suspension or revocation of 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 Gretchen Louise Smith Rust should be revoked, suspended or other disciplinary sanction imposed 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.

DATED this 23 day of January, 2001.

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.

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:

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:

Kirsten L. Wallace
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of JANUARY, 2001, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Kirsten L. Wallace
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

Gretchen Louise Smith Rust
501 Main Street
Miles City, MT 59301

___ 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
BEFORE THE BOARD OF NURSING
STATE OF MONTANA

IN THE MATTER OF THE
DISCIPLINARY TREATMENT OF THE
LICENSE OF GRETCHEN RUST,
License No. RN 26095

Docket No. CC-00-208-NUR
NOTICE OF SUMMARY
SUSPENSION AND
OPPORTUNITY FOR
HEARING

TO: Gretchen Rust
501 Main Street
Miles City MT 59301

PLEASE TAKE NOTICE THAT:

The Screening Panel of the Board of Nursing of the State of Montana (Panel) has found reasonable cause to believe that you have committed acts and/or omissions that authorize the Board of Nursing to take disciplinary action against your license under the provisions of sections 37-1-316, Montana Code Annotated (MCA).

REASONS FOR THIS ACTION

The Screening Panel has considered information presented by the Department of Commerce in making its reasonable cause finding. The following fact assertions and conclusions summarize the allegations upon which the Screening Panel has authorized the issuance of a Notice of Board Action.

Page 1 of 7

CERTIFIED CORRECT COPY OF ORIGINAL
OF OFFICIAL RECORD, STATE OF MONTANA

BY ADMINISTRATOR OF RECORDS

Exhibit A
Page 1 of 1
FACT ASSERTIONS

1. At all times relevant to this proceeding, you were an RN, license number 26095. Your license lapsed as of January 1, 2000.

2. At all times relevant to this proceeding, Licensee was employed as a new nursing instructor at the nursing program at the Miles Community College.

3. Licensee was referred to the Nurses Assistance Program (NAP) by her employment director for not showing up for work as the result of a drinking binge. As part of the requirements to maintain her faculty position, Licensee was required to enroll in the Nurses' Assistance Program (NAP) and to comply with treatment recommendations.

4. On or about January 3, 2000, Licensee enrolled in a Montana Nurses Assistance Program Contract in which she agreed to participate in the NAP for a minimum period of three years and abide by the terms of the contract and the participant handbook.

5. Licensee subsequently failed to keep appointments with Eastern Montana Mental Health as required by her NAP contract, and failed to comply with the out-of-town policy in the participant handbook.

6. As a result of the aforementioned actions, on February 4, 2000, the NAP consultant sent the Licensee a final warning letter which was the final opportunity in which she was to comply with the contract signed with the NAP.

7. Pursuant to the warning letter, on or before February 25, 2000, Licensee was required to report her attendance/failure of attendance with her aftercare counselor to the NAP office, to have started the random urine testing program as outlined in her NAP contract and make her first payment for urine testing through Rocky Mountain Monitoring. Failure to comply would result in a notice of unsuccessful discharge of the NAP. Licensee failed to comply with any of the requirements.
8. On or about March 10, 2000, Licensee was notified of her unsuccessful
discharge from the NAP as of March 10, 2000 due to noncompliance with the NAP
contract and therefore deemed unmonitorable.

9. On or about March 13, 2000, the Montana Board of Nursing office received
a notice of complaint against Licensee indicating the above allegations in violation of the
Nurse Practice Act.

10. The Montana Board of Nursing has jurisdiction over licensing issues.
Section 37-8-101, MCA and 37-8-202, MCA.

CONCLUSIONS

The information contained in the fact assertions herein indicate the Licensee has
committed unprofessional conduct.

Alleged violations of section 37-1-316, MCA:

37-1-316. Unprofessional conduct. The following is unprofessional conduct for
a licensee or license applicant governed by this chapter:

(18) conduct that does not meet the generally accepted standards of the practice.

Alleged violations of ARM 8.32.413:

(r) failing to comply with the contact provisions of the nurses' assistance program;

SUSPENSION ORDER

THE SCREENING PANEL OF THE BOARD HEREBY FINDS, based on its
reasonable cause finding on the allegations above, that the public health, safety and
welfare requires immediate action in this matter.

IT IS THEREFORE ORDERED that the license of Licensee to act as a
Registered Nurse in Montana, be immediately suspended for an indefinite period of time
pending further disciplinary proceedings.

Page 3 of 7

Exhibit A
Page 3 of 7
UNIFORM PROFESSIONAL LICENSING AND REGULATION PROCEDURE

You are advised that the law provides:

37-1-309. Notice — request for hearing. (1) If a reasonable cause determination is made pursuant to 37-1-307 that a violation of this part has occurred, a notice must be prepared by department legal staff and served on the alleged violator. The notice may be served by certified mail to the current address on file with the board or by other means authorized by the Montana Rules of Civil Procedure.

(2) A licensee or license applicant shall give the board the licensee’s or applicant’s current address and any change of address within 30 days of the change.

(3) The notice must state that the licensee or license applicant may request a hearing to contest the charge or charges. A request for a hearing must be in writing and received in the offices of the department within 20 days after the licensee’s receipt of the notice. Failure to request a hearing constitutes a default on the charge or charges, and the board may enter a decision on the basis of the facts available to it.

37-1-312. Sanctions — stay —costs —stipulations. (1) Upon a decision that a licensee or license applicant has violated this part or is unable to practice with reasonable skill and safety due to a physical or mental condition or upon stipulation of the parties as provided in subsection (3), the board may issue an order providing for one or any combination of the following sanctions:

(a) revocation of the license;
(b) suspension of the license for a fixed or indefinite term;
(c) restriction or limitation of the practice;
(d) satisfactory completion of a specific program of remedial education or treatment;
(e) monitoring of the practice by a supervisor approved by the disciplining authority;
(f) censure or reprimand, either public or private;
(g) compliance with conditions of probation for a designated period of timea;

Page 4 of 7

CERTIFIED CORRECT COPY OF ORIGINAL
OF PUBLIC RECORD, STATE OF MONTANA

BY CUSTODIAN OF RECORDS
Exhibit A
Page 4 of 7
(h) payment of a fine not to exceed $1,000 for each violation. Fines must be deposited in the state general fund.

(i) denial of a license application;

(j) refund of costs and fees billed to and collected from a consumer.

(2) A sanction may be totally or partly stayed by the board. To determine which sanctions are appropriate, the board shall first consider the sanctions that are necessary to protect or compensate the public. Only after the determination has been made may the board consider and include in the order any requirements designed to rehabilitate the licensee or license applicant.

(3) The licensee or license applicant may enter into a stipulated agreement resolving potential or pending charges that includes one or more of the sanctions in this section. The stipulation is an informal disposition for the purposes of 2-4-603.

(4) A licensee shall surrender a suspended or revoked license to the board within 24 hours after receiving notification of the suspension or revocation by mailing it or delivering it personally to the board.

2-4-631(3). (3) Whenever notice is required, no revocation, suspension, annulment, withdrawal, or amendment of any license is lawful unless the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action. If the agency finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

The Montana Board of Nursing wants to further inform you that you are hereby noticed that any petition for reinstatement must be made according to certain conditions which will be determined by the board at the time of petition for reinstatement.
STATEMENT OF RIGHTS

You are entitled to a hearing, promptly instituted and determined, as provided for
by the Montana Administrative Procedure Act (section 2-4-601, MCA, and following,
including 2-4-631, MCA) and by section 37-1-121(1), MCA. You have a right to be
represented by an attorney at such hearing and during related proceedings.

If you want to have a hearing and to resist the above proposed action under the
jurisdiction of the Montana Board of Nursing, you must so advise Stephen H. Meloy,
Division Administrator, Professional and Occupational Licensing Division, Department of
Commerce, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, in writing.
Your request must be received in the offices of the Department within twenty (20) days
after your receipt of this notice.

POSSIBILITY OF DEFAULT

Failure to give notice or to advise of your request for a hearing within the time
specified will result in the entry of a default order imposing any sanction or sanctions
identified in section 37-1-312, MCA without additional prior notice to you.

DATED this 18th day of April, 2000

SCREENING PANEL OF THE BOARD OF NURSING

by:

[Signature]
Kim Powell, RN, BSN, CEN
Screening Panel

[Signature]
Page 6 of 7
Exhibit A
Page 16 of 7
CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2000 I served a true and accurate copy of the foregoing, by U.S. certified mail, certified number Z402379881 upon the Licensee as follows:

Gretchen Rust
501 Main Street
Miles City MT 59301

Beverly M. Marlow
BEFORE THE BOARD OF NURSING
DEPARTMENT OF COMMERCE
STATE OF MONTANA

IN THE MATTER OF THE PROPOSED DISCIPLINARY TREATMENT OF THE LICENSE OF GRETCHEN RUST, RN License No. 26095

CC-00-208-NUR

FINAL ORDER

On May 10, 2000 a Notice of Summary Suspension and Opportunity for Hearing was served on Gretchen Rust, the Respondent in the above-entitled action, by Certified Mail receipt #Z402379881. The Notice provided a statement of rights which contained a specific notice to Respondent that she was required to submit a written request for a hearing within twenty days of the date on which she received the Notice in order to preserve her right to challenge the proposed action under the jurisdiction of the Board of Nursing.

More than twenty days has elapsed since service of the Notice and no request for hearing has been received. Accordingly, and upon the request of Department counsel on June 8, 2000, the Board issued an order granting entry of default.

For purposes of this order, the fact assertions and conclusions contained in the Notice of Summary Suspension and Opportunity for Hearing issued in the above-entitled matter are hereby adopted by the Board and fully incorporated into this final order as the findings of fact and the conclusions of law.

Based upon Respondent's default for failing to request a hearing and the information presently before the Board, including the aforementioned findings of fact and conclusions of law, the Board enters the following:

IT IS ORDERED that Licensee's license to act as a Registered Nurse in the State of Montana is hereby suspended.

IT IS FURTHER ORDERED that any petition for reinstatement must be made

1. CERTIFIED CORRECT COPY OF ORIGINAL OF PUBLIC RECORDS, STATE OF MONTANA

[Signature]
CUSTODIAN OF RECORDS

Exhibit B
Page 1 of 3
according to conditions which will be determined by the Board at the time of petition for reinstatement.

NOTICE

YOU ARE HEREBY NOTIFIED that you have the right to request judicial review of this final order by filing a petition for judicial review within thirty days of service of this final order in a district court of the State of Montana, as provided in § 2-4-702, MCA.

DATED this 19th day of July, 2000.

BOARD OF NURSING

By: [Signature]
President

[Signature]

Jean Bauers
[Signature]
1st CLASSROOM OF RECORDES

Exhibit B
Page 2 of 3
CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July, 2000, I served a true and accurate copy of the foregoing by U.S. mail, postage prepaid, upon the Licensee addressed as follows:

Gretchen Rust
501 Main Street
Miles City, MT 59301

Beverly J. Manlove

Exhibit B
Page 3 of 3
GRETCHEN LOUISE SMITH
501 MAIN STREET
MILES CITY MT 59301

RUSTG01 593013032-1899 07/01/01
FORWARD TIME IXEF RTN TO SEND
RUST GRETCHEN L
1617 MAIN ST APT 5
MILES CITY MT 59301-3653
RETURN TO SENDER