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

Tracie L. Ryle

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Tracie L. Ryle  
6843 N. Calispel Drive  
Coeur d' Alene ID  83815-0419

Dear Ms. Ryle:

During their meeting on April 29-30, 2010, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-28542 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective April 30, 2009. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,

[Signature]

SANDRA EVANS, MAEd, RN  
Executive Director

SE:the
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 IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
TRACIE L. RYLE,  
License No. N-28542,  
Respondent.  

Case No. BON 09-067  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
FINAL ORDER

The Idaho State Board of Nursing, having officially noticed its files on this matter, and having reviewed the documents referenced below, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. Tracie L. Ryle ("Respondent") is licensed to practice nursing in Idaho under License No. N-28541.

2. On December 28, 2009, a formal Complaint was filed against Respondent for various violations of the Idaho Nurse Practice Act and rules promulgated by the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Pursuant to Board Rule 134 (IDAPA 23.01.01.134) and Board Policy V-Complainant Management-6 (Summary Suspension of License), the Board’s Executive Director issued an Order of Emergency Suspension of License (hereinafter “Emergency Suspension”) against Respondent on January 12, 2010. This Emergency Suspension was based upon the finding that there was an immediate danger to the public health, safety and/or welfare, should Respondent retain her license. Said Emergency Suspension and supporting affidavit of Janet Edmonds are expressly incorporated herein and made a part hereof.

4. On January 14, 2010, a formal Amended Complaint was filed against Respondent for various violations of the Idaho Nurse Practice Act and rules promulgated by the Board. Said Amended Complaint is expressly incorporated herein and made a part hereof.

FINAL ORDER - 1
5. On February 3, 2010, the Board received a letter from Respondent stating “I do not wish to have a hearing. I understand my license is suspended. Thank you for your time. I also understand further action may be taken.” Said letter is expressly incorporated herein and made a part hereof.

6. On March 16, 2010, the hearing officer appointed by the Board issued an Order finding Respondent has waived her right to an evidentiary hearing on the allegations brought against her. The Order states the matter will be resolved by the Board without the necessity of conducting a hearing at its next regularly scheduled meeting, April 29-30, 2010. Said Order was sent to Respondent by United States Mail, postage prepaid regular mail, to Respondent at her address of record with the Board as follows:

   Tracie L. Ryle
   6843 N. Calispel Dr.
   Coeur d’ Alene, Idaho 83815-0419

7. As detailed in the incorporated Amended Complaint, Respondent, while a licensed nurse, did do the following:
   a. Respondent administered Dilaudid without a physician order in the chart on ten (10) separate occasions,
   b. Respondent failed to follow proper medication wasting procedures for Dilaudid on sixteen (16) separate occasions,
   c. Sixteen (16) occasions of doses of Dilaudid that had been checked out by Respondent not documented as having been administered to the patient or wasted,
   d. Respondent administered Dilaudid to patients sooner than ordered by the physician on two (2) separate occasions,
   e. Eight (8) of Respondent’s patients who received Dilaudid from Respondent did not receive the narcotic from the nurse assigned to the patient on the shifts before or after Respondent,

///

FINAL ORDER - 2
f. Respondent failed to document a patient’s complaint of pain and/or response to pain medication on several occasions, and

g. Respondent administered narcotics to patients not assigned to her and failed to inform the assigned nurse that she had administered the narcotic to the patient.

CONCLUSIONS OF LAW

1. As a licensed 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. Pursuant to Board Rule 134, the Executive Director issued an Emergency Suspension of Respondent’s license and notified Respondent of the Emergency Suspension and of Respondent’s hearing rights by mailing the Emergency Suspension to Respondent at Respondent’s most recent mailing address on record with the Board.

3. The Emergency Suspension notified Respondent of Respondent’s hearing rights in accordance with Idaho Code §§ 67-5247 and 54-1413(3)(a). Respondent has failed to exercise her hearing rights by requesting a hearing within ten (10) days after the Emergency Suspension was issued by the Executive Director. Respondent has, therefore, waived her right to a hearing in this matter. Accordingly, the Board must now enter an order affirming or rejecting the emergency suspension of Respondent’s license.

4. The Amended Complaint was sent to Respondent at the 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 and IDAPA 23.01.01.008.03.

5. Respondent’s waiver of her right to a hearing in this matter and failure to plead or otherwise defend in this action authorizes the Board to enter a Final Order in this matter.

6. Respondent’s acts as detailed in the incorporated Amended Complaint constitute violations of the laws and rules governing Idaho nursing practice, including:

///

FINAL ORDER - 3
a. Idaho Code § 54-1413(1)(d) and Board Rule (IDAPA 23.01.01) 100.05 (gross negligence or recklessness in performing nursing functions);

b. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);

c. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public);

d. Board Rule 101.04.d (a nurse shall act to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person);

e. Board Rule 101.04.i (a nurse shall observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes)

f. Board Rule 101.05.c (a nurse shall be responsible and accountable for her nursing judgments, actions and competence);

g. Board Rule 101.05.d (a nurse shall comply with all wasting procedures for controlled substances); and

h. Board Rule 101.05.e (a nurse shall make or keep accurate, intelligible entries into records required by law, employment, or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into a patient’s records or employer or employee records).

7. Pursuant to Idaho Code §§ 54-1404(2) and 54-1413(1), the Board is authorized to impose sanctions against Respondent.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. Pursuant to IDAPA 23.01.01.134, the Board hereby AFFIRMS the January 12, 2010, Emergency Suspension of Respondent’s license.
2. License No. N-28542 issued to Tracie L. Ryle is hereby:

- **Revoked:** Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a _____ year period after entry of this Order, whichever period is greater.
- **Suspended:** _____ days _____ year(s) _____ indefinitely. Respondent’s license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice in any other state participating in the Nurse Licensure Compact with the State of Idaho.

3. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3). Respondent shall further comply with the provisions of IDAPA 23.01.01, Sections 61.04 and 120, as applicable. This will include, but is not limited to, providing the following information to the Board:
   a. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;
   b. Documentation that she is rehabilitated and competent to practice nursing by submitting:
      i. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement;
      ii. A detailed summary of employment since licensure revocation or suspension; and
      iii. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and
   c. Any other information deemed necessary by the Board in its discretion to demonstrate Respondent’s fitness to practice nursing.

4. The Board reserves the right to assess investigative costs incurred in this matter as a condition of reinstatement, and to impose such other conditions upon Respondent’s reinstated license as the Board may deem appropriate in its discretion.

///

FINAL ORDER - 5
This order is effective immediately.

DATED this 30th day of April, 2010.

IDAHO STATE BOARD OF NURSING

By

Susan Odom, Ph.D., R.N.
Chair

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 issuance 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 issuance 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.

FINAL ORDER - 6
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Tracie L. Ryle
6843 N. Calispel Drive
Coeur D'Alene, ID 83815-0419

☑ U.S. Mail
☑ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ______________________
☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ______________________
☒ Statehouse Mail

Linda Coley
Management Assistant
Idaho Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
TRACIE L. RYLE,  
License No. N-28542,  
Respondent.  

) ) ) )  
Case No. BON 09-067  
ORDER OF EMERGENCY  
SUSPENSION OF LICENSE  

This matter came before the Idaho State Board of Nursing (hereinafter the "Board") as an Emergency Proceeding. The Board is charged with issuing, suspending, and revoking licenses to practice nursing pursuant to the Idaho Nurses Act, title 54, chapter 14, Idaho Code. This emergency order is issued under the authority of these statutes and under the procedures of the Idaho Administrative Procedures Act, Idaho Code § 67-5247.

FINDINGS OF FACT

The Board finds that there is an immediate danger to the public health, safety and/or welfare that requires immediate agency action. This finding is based upon the attached affidavit of Janet Edmonds, which outlines the basis for the Board's factual findings that are an immediate danger to the public health, safety or welfare. It is hereby found that:

1. Tracie L. Ryle (hereinafter "Respondent") holds License No. N-28542 to practice professional nursing in the State of Idaho.

2. Due to the nature of the allegations set forth in the affidavit of Janet Edmonds, the threat to the public health, safety or welfare is ongoing.

CONCLUSIONS OF LAW

Based upon the above findings of fact and attached affidavit the Board hereby reaches the following conclusions of law:

ORDER OF EMERGENCY SUSPENSION OF LICENSE - 1

EXHIBIT 1
1. Idaho Code § 54-1401 provides that in order to safeguard the public health, safety and welfare, it is in the public interest to regulate and control nursing in the State of Idaho, to promote quality health care services, to prohibit unqualified and dishonest persons from practicing nursing, and to protect against acts or conduct which may endanger the health and safety of the public.

2. Idaho Code § 54-1404 provides that the Board shall be responsible for the control and regulation of the practice of nursing in Idaho including the suspension, revocation, restriction, or other discipline of licenses to practice nursing.

3. Idaho Code § 54-1413(1) provides that the Board may revoke, suspend or otherwise take disciplinary action against a licensed nurse who has engaged in prohibited conduct.

   a. It is likely Respondent has been grossly negligent or reckless in performing nursing functions in violation of Idaho Code § 54-1413(1)(d) and Board Rule (IDAPA 23.01.01) 100.05.

   b. It is likely Respondent has violated the Board's laws, rules or standards of conduct and practice in violation of Idaho Code § 54-1413(1)(g) and Board Rule 100.08.

   c. It is likely Respondent has engaged in conduct of a character likely to deceive, defraud or endanger patients or the public in violation of Idaho Code § 54-1413(1)(h) and Board Rule 100.09.

   d. It is likely Respondent failed to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person in violation of Board Rule 101.04.d.

   e. It is likely Respondent failed to observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes in violation of Board Rule 101.04.i.
f. Pursuant to Board Rule 101.05.c, Respondent is to be responsible and accountable for her nursing judgments, actions and competence.

g. It is likely Respondent failed to comply with all wasting procedures for controlled substances in violation of Board Rule 101.05.d.

h. It is likely Respondent failed to make or keep accurate, intelligible entries into records required by law, employment or customary practice of nursing, and/or falsified, destroyed, altered or knowingly made incorrect or unintelligible entries into a patient's records or employer or employee records in violation of Board Rule 101.05.e.

6. Pursuant to Idaho Code § 67-5247 and Board Rule 134 (IDAPA 23.01.01.134), the Board may act through an emergency proceeding in a situation involving an immediate danger to the public health, safety or welfare requiring immediate agency action. The Board authorized to take such actions as necessary to prevent or avoid the immediate danger that justifies the use of emergency contested cases.

7. Pursuant to Board Policy V-Complainant Management-7 (Summary Action), the Board's Executive Director may initiate the immediate removal, on an emergency basis and prior to a hearing, of the authority of a licensed nurse to practice nursing when there is documented evidence of a significant, high potential for imminent harm to the public.

8. The findings of fact set forth above, inclusive of the affidavit of Janet Edmonds attached hereto, constitute grounds for the Board to act in an emergency proceeding to protect the public health, safety or welfare.

9. The findings of fact set forth above, inclusive of the affidavit of Janet Edmonds attached hereto, constitute grounds for the immediate suspension of Respondent's license to practice nursing in the State of Idaho. This suspension is necessary to prevent or avoid an immediate danger to the public health, safety or welfare.

///
ORDER

Now, therefore, this matter having properly come before the Idaho State Board of Nursing through its Executive Director, and based upon the above findings of fact and conclusions of law, there is an immediate danger to the public health, safety and/or welfare, should Respondent retain her license. Based upon its concern for the public health, safety and/or welfare, License No. N-28542 issued to Respondent Tracie L. Ryle to practice nursing in the State of Idaho is hereby immediately SUSPENDED. Respondent’s license shall remain suspended until the completion of any proceeding by the Board that would be required for the suspension or revocation of her license if the matter did not involve an immediate danger. The Board shall proceed as quickly as feasible to complete such proceedings.

Pursuant to I.C. § 67-5247, this suspension Order shall be effective when issued.

DATED this 11th day of January, 2010.

IDAHO STATE BOARD OF NURSING

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

NOTICE OF DUE PROCESS RIGHTS

Pursuant to Idaho Code § 54-1403(3)(a), you have a right to have a hearing before the Board if you wish to contest this suspension order. Any request for a hearing must be made in writing and filed with the Board within ten (10) days of issuance of this suspension order at:

Idaho State Board of Nursing
280 N. Eighth Street, Suite 210
P.O. Box 83720
Boise, ID 83720-0061
telephone (208) 334-3110
telefax (208) 334-3262
If a written request for a hearing is timely filed with the Board, a hearing will be provided to you within ten (10) days after the receipt of your written request. If you desire more time to prepare for the hearing, your hearing request may ask that the hearing be held more than ten (10) days after your request for a hearing is received by the Board.

The hearing will be limited to the appropriateness of the emergency suspension order, pending any further proceedings on the Complaint. The hearing will be conducted as a contested case hearing pursuant to chapter 52, title 67, Idaho Code.

At this hearing, the presiding officer shall:

a. Regulate the course of the proceedings to assure that there is a full disclosure of all relevant facts and issues, including such cross-examination as may be necessary, and
b. Afford all parties the opportunity to respond and present evidence and argument on all issues involved, except as restricted by a limited grant of intervention or by a prehearing order.


CERTIFICATE OF SERVICE

I certify that on this 12th day of January, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Tracie L. Ryle
6843 N. Calispel Drive
Coeur D'Alene, ID 83815-0419

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ____________________________

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Facsimile: ____________________________
☒ Statehouse Mail

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: TRACIE L. RYLE, License No. N-28542, Respondent. Case No. BON 09-067

AFFIDAVIT OF JANET EDMONDS, M.S.N., R.N.

STATE OF IDAHO ) ss.
County of Ada )

Janet Edmonds, M.S.N., R.N., being first duly sworn and states upon personal knowledge as follows:

1. I am the Director for Professional Compliance for the Idaho State Board of Nursing (the "Board") and am responsible for investigating complaints filed against nurses alleging violations of the Nursing Practice Act. I have been employed with the Board as the Director for Professional Compliance in this capacity since December 27, 2007.

2. On September 17, 2009, the Board received a copy of a letter from the Director of Pharmacy at Kootenai Medical Center to the Idaho State Board of Pharmacy regarding the removal of nineteen (19) hydromorphone syringes by Respondent. The Director of Pharmacy reported that Respondent had documented a verbal order for hydromorphone injection that was not ordered by the attending physician and allegedly removed nineteen (19) hydromorphone syringes under that same verbal order.

3. On September 23, 2009, I mailed a letter of concern to Respondent requesting that Respondent contact me to discuss the allegations made against her. This letter was mailed by both regular mail and certified mail, return receipt requested, to Respondent at Respondent’s last known mailing address on file with the Board:
4. On or about October 20, 2009, the Board received back from the post office the certified mail envelope containing a copy of the letter, which envelope was marked "unclaimed" by the post office. The letter sent by regular mail was not returned to the sending office.

5. On October 14, 2009, the Board received a Notice of Violation from Respondent’s employer, Kootenai Medical Center in Coeur d’Alene, Idaho, which alleged that Respondent between April 3, 2009 and August 22, 2009: (1) wrote a physician’s order for narcotics when the physician did not order the medications, (2) administered narcotics without a physician’s order in the patient’s chart and (3) failed to follow medication wasting procedures.

6. My investigation into the allegations asserted against Respondent revealed:
   a. Respondent admitted to her supervisors on September 6, 2009, that she did not follow proper medication wasting procedure;
   b. An audit of Respondent’s patient charts during the period April 3, 2009 to August 22, 2009, was performed by Respondent’s employer and numerous concerns were identified, including:
      i. Respondent administered Dilaudid without a physician order in the patient’s chart on ten (10) separate occasions,
      ii. Respondent failed to follow proper medication wasting procedures for Dilaudid on sixteen (16) separate occasions,
      iii. Sixteen (16) occasions where doses of Dilaudid that had been checked out by Respondent were not documented as having been administered to the patient or wasted,
      iv. Respondent administered Dilaudid to patients sooner than ordered by the physician on two (2) separate occasions.

AFFIDAVIT OF JANET EDMONDS - 2
v. Eight (8) of Respondent’s patients who received Dilaudid from Respondent did not receive the narcotic from the nurse assigned to the patient on the shifts before or after Respondent, which causes concern that the patients were not in need of Dilaudid or not on a narcotic regimen when Respondent documented she had administered the Dilaudid, and

vi. Respondent failed to document a patient’s complaint of pain and/or response to pain medication on several occasions;

c. Respondent administered narcotics to patients not assigned to her and failed to inform the assigned nurse that she had administered the narcotic to the patient; and

d. Respondent was terminated from her employment on September 9, 2009, due to failing to follow her employers protocol for medication dispensing.

7. The administration of narcotics is highly regulated and monitored pursuant to chapter 27, title 37, Idaho Code due to the potential of adverse effects upon patients caused by the administration of improper dosages and the highly addictive and sedative nature of a narcotic.

8. Dilaudid, also known as Hydromorphone, is identified as a Schedule II drug in Idaho Code § 37-2707. According to Idaho Code § 37-2706, a Schedule II drug has a high potential for abuse which could result in severe psychic or physical dependence.

9. The results of my investigation revealed a pattern of behavior involving Respondent’s administration of a Schedule II, highly addictive narcotic creating an immediate danger to the public health, safety or welfare. The results of the audit indicate that Respondent’s behavior was escalating as the frequency of diversion and improper administration of narcotics, as well as the amounts of medications not wasted properly, were increasing near the end of the audit time frame. The pattern of behavior displayed by Respondent placed her patients at risk of harm as her behavior questions whether her patients received too much medication, not enough medication, or no medication. In
addition, Respondent’s behavior also creates concern that the public is in danger if Respondent is using the narcotics for personal use or distributing the narcotics to others without a prescription.

10. Respondent never contacted me in response to my September 23, 2009, written request that she do so.

This concludes my affidavit.

Janet Edmonds
Janet Edmonds, M.S.N., R.N.

SUBSCRIBED AND SWORN TO before me this 11th day of January, 2010.

LINDA M. COLEY
Notary Public for Idaho
My Commission Expires: 3/25/2015
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Tracie L. Ryle
6843 N. Calispel Drive
Coeur d'Alene, ID 83815-0419

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: _______________________
☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: _______________________
☒ Statehouse Mail

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: TRACIE L. RYLE, License No. N-28542,
Respondent. Case No. BON 09-067

AMENDED COMPLAINT

To: Tracie L. Ryle
6843 N. Calispel Drive
Coeur D’Alene, ID 83815-0419

Complainant the Idaho State Board of Nursing (the “Board”) charges Respondent Tracie L. Ryle with violating the laws and rules governing the practice of nursing as follows:

FACTS

1. The Board regulates Idaho nursing practice under Idaho Code § 54-1404.

2. The Board has licensed Respondent to practice nursing under License No. N-28542.

3. At all times relevant herein, Respondent was employed at Kootenai Medical Center in Coeur d’ Alene, Idaho.

4. On September 17, 2009, the Board received a copy of a letter from the Director of Pharmacy at Kootenai County Medical Center to the Idaho State Board of Pharmacy regarding the removal of nineteen (19) hydromorphone syringes by Respondent. The Director of Pharmacy reported that Respondent had documented a verbal order for hyrdromorphone injection that was not ordered by the attending physician and allegedly removed nineteen (19) hydromorphone syringes under that same order.

5. On October 14, 2009, a Report of Violation of the Nursing Practice Act was received by the Board from Respondent’s employer which alleged that Respondent: (1) wrote a physician’s order for narcotics when the physician did not order the
medications, (2) administered narcotics without a physician’s order in the patient’s chart and (3) failed to follow medication wasting procedures.

6. On September 6, 2009, Respondent admitted to not following proper medication wasting procedures to Roger Evans, Day Shift Supervisor, and Sandy LaScuola, Department Director.

7. Maria Godley, Unit Supervisor, completed an audit of Respondent’s patient charts beginning April 3, 2009 through August 22, 2009. The following concerns were identified:

   a. Respondent administered Dilaudid without a physician order in the chart on ten (10) separate occasions,

   b. Respondent failed to follow proper medication wasting procedures for Dilaudid on sixteen (16) separate occasions,

   c. sixteen (16) occasions of doses of Dilaudid that had been checked out by Respondent not documented as having been administered to the patient or wasted,

   d. Respondent administered Dilaudid to patients sooner than ordered by the physician on two (2) separate occasions,

   e. Eight (8) of Respondent’s patients who received Dilaudid from Respondent did not receive the narcotic from the nurse assigned to the patient on the shifts before or after Respondent, and

   f. Respondent failed to document a patient’s complaint of pain and/or response to pain medication on several occasions.

8. Respondent administered narcotics to patients not assigned to her and failed to inform the assigned nurse that she had administered the narcotic to the patient.

9. Respondent was terminated from her employment on September 9, 2009, due to failing to follow medication dispensing protocol.

10. On January 11, 2010, the Board’s Executive Director issued an Order of Emergency Suspension of License immediately suspending Respondent’s License No.
N-28542 in the interests of protecting the public health, safety, and welfare. Such emergency suspension is proper under Idaho Code § 67-5247 and IDAPA 23.01.01.134.

CONTROLLING LAW

11. Respondent's conduct as described above violates laws and rules governing Idaho nursing practice, including:

a. Idaho Code § 54-1413(1)(d) and Board Rule (IDAPA 23.01.01) 100.05 (gross negligence or recklessness in performing nursing functions);

b. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board's laws, rules or standards of conduct and practice);

c. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public);

d. Board Rule 101.04.d (a nurse shall act to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person);

e. Board Rule 101.04.i (a nurse shall observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes)

f. Board Rule 101.05.c (a nurse shall be responsible and accountable for her nursing judgments, actions and competence);

g. Board Rule 101.05.d (a nurse shall comply with all wasting procedures for controlled substances); and

h. Board Rule 101.05.e (a nurse shall make or keep accurate, intelligible entries into records required by law, employment, or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into a patient’s records or employer or employee records).

///

AMENDED COMPLAINT - 3
REQUESTED RELIEF

WHEREFORE, Complainant requests that the Board provide the following relief:

1. That the Board conduct a hearing to allow the State and Respondent to present evidence on the Complaint's allegations;
2. That after the hearing, the waiver of a hearing, or Respondent's failure to file an Answer to the Complaint, the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein;
3. That the Board affirm the Order of Emergency Suspension and determine whether Respondent's license should otherwise be suspended, revoked or disciplined;
4. That Respondent be ordered to pay the Board's expenses incurred in investigating and prosecuting this matter including without limitation attorney fees and costs; and
5. For such other and further relief as the Board deems just and proper.

DATED this 18th day of January, 2010.

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 written Answer to the allegations contained herein within twenty-one (21) days of issuance of this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer, request a hearing and/or fail to appear at a schedule 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 of the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library and at many county law libraries. The Idaho Administrative Procedure Act is available on the internet at:

http://www3.state.id.us/idstat/TOC/67052KTOC.html.

The Idaho Rules of Administrative Procedure are available on the internet at:


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

Idaho State Board of Nursing
280 N. 8th Street, Suite 210
Boise, ID 83720-0061
Telephone: (208) 334-3110
Facsimile: (208) 334-3262

All original official documents must be received by the Board between the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays. The Board does permit the filing of facsimile copies of documents that do not exceed ten pages provided that the facsimile transmission is received during the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays and is legible in its entirety. It shall be the responsibility of the filing party to verify with the staff of the Board staff that any facsimile transmission is successfully received and legible in its entirety.

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

Karin Magnelli
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010

AMENDED COMPLAINT - 5
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January, 2010, I caused to be served a true and correct copy of the foregoing addressed as follows:

Tracie L. Ryle
6843 N. Calispel Drive
Coeur D'Alene, ID 83815-0419
☑ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010
☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☒ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
To Whom It May Concern:
I do not wish to have a hearing. I understand my license is suspended. Thank you for your time. I also understand further action may be taken.

Tracie Ryle

Lic# N-28542

EXHIBIT 4
Idaho State Board of Nursing
800 11th Street, Suite 210
Boise, ID 83702-0061

10 FEB 3-08-56
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

TRACIE RYLE
License No. N-28542,

Respondent.

Case No. BON 09-067
NOTICE OF APPOINTMENT
OF HEARING OFFICER

TO ALL PARTIES AND COUNSEL OF RECORD:

Please take notice that the Board of Nursing, pursuant to its authority under Idaho Code § 54-1413(3)(b), IDAPA 04.11.01.410 and 424, and Board Policy V.13, hereby appoints as the duly authorized hearing officer in this matter the following individual:

Roger L. Gabel, Deputy Attorney General
Contracts & Administrative Law Division
Office of the Attorney General
954 W. Jefferson, 2nd Fl.
P. O. Box 83720
Boise, ID 83720-0010
Telephone: 208-334-4127
Facsimile: 208-854-8070
Email: roger.gabel@ag.idaho.gov

Mr. Gabel currently serves as the Board's general or advisory counsel and will assist the Board in consideration of the Complaint filed in this matter and any subsidiary issues. Unless later modified by the Board, the hearing officer's appointment shall be limited to preliminary or procedural matters that arise prior to the Board's consideration of the substance of the administrative Complaint. The scope of the hearing officer's authority shall be to:

1. Schedule and conduct motion hearings and enter appropriate orders disposing of any pre-trial motions,
including, but not limited to: motions on the admissibility of evidence, motions for continuance and motions to compel discovery.

2. Schedule and conduct any pre-trial conference deemed necessary to fulfill the purposes set forth at IDAPA 04.11.01.510 and to enter appropriate follow-up orders carrying out those purposes.

3. Perform other duties as assigned by the Board.

Decisions of the hearing officer are subject to review by the Board upon proper motion by any party. The provisions of Idaho Code § 67-5253 and IDAPA 04.11.01.424 shall govern the hearing officer's discussions with the parties or the Board regarding the substance of the administrative Complaint.

All original pleadings, briefs, motions, and other documents must be filed directly with the Board of Nursing at the following address: Idaho Board of Nursing, 280 N. 8th, Suite 210, P. O. Box 83720, Boise, ID 83720-0061, and a true and correct copy simultaneously serviced on all other parties. Until further notice, a copy of all documents filed must also be submitted to the hearing officer at his address listed above.

Dated this ___6th___ day of March 2010.

Idaho State Board of Nursing

By______________________

Susan Odom, PhD, RN
Board Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___ day of March ___ 2010, I caused to be served a true and correct copy of the foregoing Notice of Appointment of Hearing Officer addressed as follows:

Karen Magnelli  
Deputy Attorney General  
Civil Litigation Division  
Office of the Attorney General  
P. O. Box 83720  
Boise, ID  83720-0010  

Tracy Ryle  
1009 2nd Street  
St Maries ID  83861  

Roger L. Gabel  
Deputy Attorney General  
Contracts & Administrative Law Division  
Office of the Attorney General  
954 W. Jefferson, 2nd Fl.  
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  

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

Linda H Coley, Management Assistant  
Board of Nursing
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage</td>
<td>$38.10</td>
</tr>
<tr>
<td>Certified Fee</td>
<td></td>
</tr>
<tr>
<td>Return Receipt Fee (Endorsement Required)</td>
<td></td>
</tr>
<tr>
<td>Restricted Delivery Fee (Endorsement Required)</td>
<td></td>
</tr>
<tr>
<td>Total Postage</td>
<td>$38.10</td>
</tr>
</tbody>
</table>

Sent To: TRACIE FYLE
1009 2ND STREET
ST MARIES, ID. 83661
U.S. Postal Service
CERTIFIED MAIL RECEPT
(Domestic Mail Only; No Insurance Coverage Provided)
OFFICIAL USE

Postage $ 
Certified Fee 
Return Receipt Fee (Endorsement Required) 
Restricted Delivery Fee (Endorsement Required) 
Total Postage & Fees $

Mailed 5-4-2010

Sent to
TRACIE RYLE
6843 N CALISPHEL DR
COEUR D'ALENE, ID. 83815-0419

PS Form 3800, August 2000

Complete this section on delivery
A. Signature X
B. Received by (Printed Name)  
C. Date of Delivery 5-4-2010
D. Is delivery address different from item 1? No
If YES, enter delivery address below:

TRACIE RYLE
6843 N CALISPHEL DR
COEUR D'ALENE, ID. 83815-0419

Service Type
- Certified Mail
- Registered
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt
102595-02-M1540